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THE SOLICITORS' JOURNAL.

LONDON, NOVEMBER 3, 1860.

CURRENT TOPICS.

Michaelmas Term commenced yesterday. The arrears of business in the superior courts are not very considerable. The whole arrears of the common law courts number only 129, of which 70 are in the Queen's Bench, 32 in the Common Pleas, and 27 in the Exchequer. In the Queen's Bench there is one rule in the new trial paper for judgment and 29 for argument; in the special paper there is one for judgment and 32 for argument, including appeals from county courts; also 7 enlarged rules. In the Common Pleas there are 32 rules, including demurrers; 8 rules in the remanet paper; two enlarged rules, and three matters standing for judgment of the Court. In the Court of Exchequer, of errors and appeals there is one for judgment and seven for argument; one rule in the peremptory paper for a writ of prohibition issued in June, and in the special paper three for judgment and six for argument, while in the new trial paper there are five rules for judgment and four for argument.

The arrears in the Court of Chancery are even less than those in the courts of law. Including the arrears the total number of causes now set down for hearing or re-hearing on appeal is 402, composed as follows:—

Causes before the Court, Michaelmas Term, 1860.

Appeals	26
Master of the Rolls	79
Vice-Chancellor Kindersley	53
Vice-Chancellor Stuart	95
Vice-Chancellor Wood	149
	402

The twenty-six appeals above mentioned are made up as follows:—

From Master of the Rolls	11
„ Vice-Chancellor Kindersley	1
„ Vice-Chancellor Stuart	10
„ Vice-Chancellor Wood	4
	26

Mr. R. Malcolm Kerr, the judge of the City Sheriffs' Court, has issued a new set of rules and orders as to costs in his court. There are separate scales for actions in which the plaintiff's claim does not exceed £10, and also for actions where the claim exceeds £10, and for other actions. All these scales are necessarily low, but we observe with pleasure that considerable pains have been taken by the learned judge in drawing them up. We are not aware whether they furnish the first instance in which a letter before suit is judicially recognised as a fair item in a bill of costs; but in those scales of costs where the action exceeds £10, the letter before suit constitutes the first item. Upon the whole, they have evidently been constructed with great care, and a manifest desire to combine, as far as possible, equitable remuneration to practitioners with economy to the public.

COURTS OF APPEAL.

The appellate branch of our judicature appears to enjoy a peculiar exemption from the interference of law amendment. The House of Lords, as the final court

No. 201.

of appeal, derives an influence from its connection with the Legislature which has hitherto kept it sacred from the profane touch of reformers who are guided by merely juridical considerations. All the attempts made by the House itself or by the prerogative of the Crown to organise the judicial functions of the House of Lords in a more efficient form have failed in consequence of the indirect effects and influences which, it is apprehended, any such change would have upon the House in its legislative and constitutional character. Parliament has made some attempts to supply the admitted inefficiency of the highest court of appeal by giving a more prominent position for the purposes of appeal to intermediate Courts. These Courts, however, though their construction may be in some respects excellent, necessarily labour under the inherent defect of not being final. Their responsibility is relaxed, and their authority is weakened, by the constantly overshadowing influence of the House of Lords. Courts of appeal, which may themselves be appealed against, cannot be altogether satisfactory; in the present instance they serve only to screen the incapacity of the Supreme Court.

In our last number we collected some striking examples of the extraordinary and anomalous results which are produced by the system of appeal at present established. Such cases point out in a forcible manner some of the chief defects in that system, and seem to call urgently for some inquiry into the principles on which it is founded, in order to trace out the roots of the evil with a view to its abatement.

An appeal may be described as consisting in a reference of the decision of an inferior court to the judgment of a superior one. One great object secured by a power of appeal is the constant check imposed on the ordinary action of the inferior court, and the security provided by it against the careless or oppressive exercise of an otherwise uncontrolled and irresponsible authority. This object is to a great extent gained by the mere existence of a power of appeal, independently of the relative value of the Court appealed to; but the full advantages of an appeal can only be obtained by subjecting the judgments of the inferior tribunal to a more correct standard of decision. The court of appeal must be superior not only in the sense of controlling the decrees of the inferior, but also in the sense of being better and more authoritative in respect of learning and experience; for errors of judgment are certainly the most important, though not the only evils to be checked in the inferior court. The differences in the constitution of courts of appeal appear to arise principally from the different principles adopted for procuring this superiority; and the excellence of a court of appeal seems to depend, in the first place, on this superiority being effectually secured.

Now, if we examine the English courts of appeal with a view of discovering the principle on which they are constructed, for securing a superior excellence in the court of appeal above the court appealed against, two principles of superiority, which are employed both separately and in combination, seem to be involved. The one is a numerical superiority in the court of appeal of judges of equal force with the judges of the court appealed against; the other is a superiority of rank and qualifications in the judges of appeal. In the Exchequer Chamber the appeal lies from the decision of a court of four judges to a court which may be composed of ten judges of equal rank and weight. In the House of Lords the appeal lies practically to the law lords, being judges of superior rank, and assumed to be of superior learning and experience. In the House of Lords we find, to some extent, a combination of the two principles in the practice of summoning the assistance of the judges of the courts below, and receiving their separate opinions. In the Judicial Committee of the Privy Council also there seems to be a combination of the two principles; but that of selecting the judges

on account of superior qualifications prevails chiefly. The principle of a plurality of judges deciding by the majority of opinions in each separate court, seems to be that generally preferred and adopted throughout the constitution of our judicature. Such has always been the constitution of the House of Lords, and of the superior courts of common law; and though the judges of the courts of equity administer justice single-handed, the same principle has been introduced into that branch of jurisprudence in the recently established court of appeal of the Lords Justices. The above seem to be the principles, if any principles have been consulted in the matter, on which our courts of appeal are constructed; but these principles appear to be subject to so many inconsistencies and incongruities in being carried into practice, that it would be very bold to hazard more than a conjecture on the subject.

It is beyond our present purpose to attempt to decide between the comparative merits of these two principles of superiority: namely, that of a numerical superiority of the judges of appeal, and that of a superiority of qualifications in the judges. In theory we should pronounce at once in favour of the superiority of qualifications; but the practical difficulty of selecting such superior qualifications amongst a number of competitors, and the fluctuations to which such qualifications are subject, might induce with propriety the substitution of some such contrivance as the decision by a majority of equally competent opinions. The higher authority attributed to those members of the House of Lords who sit in judgment upon the decisions of the judges of the inferior tribunals, can only be justified by the presumption of eminently superior qualifications in the former. It frequently happens that a house comprising only two or three law lords reverses a judgment of a much greater number of the judges of the courts below. In the case of *Boosey v. Jeffries*, referred to in our previous article, three law lords overruled an unanimous decision of the Court of Exchequer Chamber constituted of seven judges. In the case *Cooper v. Slade*, two law lords reversed a judgment of the Court of Exchequer Chamber composed of six judges, of whom one only was dissentient. Yet the law lords are seldom selected on account of their qualifications for the express purpose of conducting the judicial business of the House. Most of them have attained their position from circumstances, chiefly political, having called them to fill the office of Lord Chancellor; and it may happen that they find themselves exercising the judicial office for the first time, without any previous experience, as judges of appeal in the House of Lords. The judges of the Court of Exchequer Chamber, whose decisions they revise, possess at least the superior qualification in respect of practice; their daily business necessarily ensures an exact acquaintance with the law in its most recent form, and with the administration of it in all its details.

If the courts of appeal are to be judged according to the principles suggested above, as being those on which they are constructed and which they are designed to carry out, many defects and shortcomings may be pointed out in their practical mode of operation. In the Court of Exchequer Chamber there is no rule requiring a full or even large attendance of the judges. The numerical superiority necessary for giving weight to the affirmation or reversal of a judgment appealed against is not adequately secured. The numerous other engagements of the judges render a full attendance in this Court impossible except on rare occasions. The Court is in general reduced to a minimum in point of numbers and efficiency; and from the same causes its action is desultory and uncertain, the audiences are hurried, and the judgments delayed. It constantly happens that a Court sits composed of only five judges; and thus it may happen that an unanimous judgment of four judges in the Court below

may be reversed by a majority in the Exchequer Chamber of three judges only. Such a judgment, in the absence of other considerations, is entitled to no weight, and leaves the law in a more unsatisfactory state than when the question was still doubtful.

The principle of a numerical superiority of the judges is not accepted as the basis of the authority of the House of Lords. It seems, however, to be called in aid to give weight to its decisions. It is customary in difficult cases to summon the judges, as assessors, to give the House their advice. The judges are present at the argument, and deliver their opinions in answer to the questions put to them by the House, with the solemnity in the form of judgments. These judicial answers, however, have no authority as judgments, and may be and often are entirely disregarded by the House. In the case of *Hickman v. Cox*, the House decided against a majority of four to two of their assessors; in the case of *Boosey v. Jeffries*, it decided against a majority of six to four. In such cases the publicly expressed dissentient opinions detract largely from the value of the final judgment.

The answers of the judges sitting as assessors in the House of Lords are in every respect of equal value, as legal opinions, with the judgments of the judges in the Court of Exchequer Chamber, and in the Courts of immediate jurisdiction. In the course of an appeal a large number of legal opinions are thus collected, between which no preference can be given in point of excellence, but which are nevertheless subordinated in different ranks in point of authority; and it may thus happen from the smallness of the majority in the Court of Appeal that the judgment is given contrary to the aggregate weight of judicial opinion. In the Court of Exchequer Chamber a majority of six judges to four may reverse an unanimous judgment of the four judges of the Court below; and thus the weight of judicial opinion may stand in the proportion of eight to six against the ultimate judgment, and in an extreme case may stand in a still higher proportion against it. The House of Lords, in the exercise of its superior authority, may overrule the unanimous opinion of all the judges. It requires three peers to constitute a House; but the judicial business is practically left to the lords who are qualified for it by profession. In the case of *Boosey v. Jeffries*, three law lords decided contrary to the weight of the expressed opinions of the judges represented by a majority of nine to four. Now, it would seem to be expedient for the interests of justice and the certainty of law that the decision of the Court of Appeal should not be contrary to the judicial opinions of a majority of the judges, and, at least, that the judgment of the Court below should not be reversed by a smaller number of judges of equal rank and weight. It is certainly very detrimental to the interests both of law and of justice, and, indeed, amounts to little short of an absurdity, that the judgment finally evolved by the system of appeal should be contrary to the judicially or quasi-judicially expressed opinions of a majority of the judges officially consulted in the course of the appeal. It is a matter of very little importance whether the judges who have not been officially consulted in the case, and have not heard the argument, entertain a private opinion in agreement or disagreement with the final judgment; but it is important to avoid the scandal of calling upon the judges to administer as law what the majority have pronounced judicially not to be law. It, surely, would not be difficult to construct a court of appeal which should avoid these evils, without sacrificing anything that is good in our present system.

There remains another strange and unaccountable inconsistency to be noticed in the constitution of our courts of appeal. In the Exchequer Chamber, whether in accordance with principles of justice or mere feelings of propriety we cannot here pause to consider, the judges of the Court appealed against are precluded from forming any part of the Court, which is composed exclusively

of the judges of the two courts other than that from which the appeal is made. In a court of appeal constituted as this is upon the principle of bringing a greater number of judges to bear upon the disputed question, the exclusion of those who have already given judgment upon the case ought to be founded on some very good reason, considering that the effect of it is to deprive the successful party in the court below of the numerical weight of the judges who have already decided in his favour and to subject him to the risks of another litigation before a tribunal of such slender superiority even in point of numbers and of no pretended superiority in any other respect. Whatever the reason may be it ought to be a good one, and one that might be expected to be universally binding. In the House of Lords, however, both rule and reason are equally rejected. It is there neither the law nor the practice to exclude the judges who have formerly adjudicated upon the question, either as assessors or as members of the House; indeed, when authorised in the latter character they seem rather to seek than to avoid discussing and supporting their own previous judgments. The Lord Chancellor constantly sits to review his own judgments. It frequently happens that the Chief Justice of the Queen's Bench and the chiefs of the Common Pleas and Exchequer are peers, and may do so. In the case of *Cooper v. Slade*, Lord Wensleydale, assisted by only one other law lord, maintained the ruling which he had originally delivered as Baron Parke at Nisi Prius; and in the case of *Boosey v. Jeffries*, Lord Chancellor Cranworth did the like. No objection is felt to asking the advice of the judges, as assessors, who have already delivered judgments upon the same question in the Court below. Indeed, this is almost a matter of necessity, as, if the Court of Exchequer Chamber was fully constituted, no other judges would remain from whom assessors could be chosen. There seems an undeniable contradiction in excluding the judges of the Court below from the Exchequer Chamber, and yet allowing them to influence by their opinion the judgment in the House of Lords.

If our present observations appear to be framed in a spirit of criticism rather than as pointing out a path for improvement, it is because criticism is here a necessary preliminary of amendment. It is necessary to ascertain clearly the source and nature of the defects before any attempts can be made to remove them. The course of law reform has as yet been diverted away from this antiquated department of our judiciary, which nevertheless urgently requires a thorough revision and reconstruction. The first step in the process is to turn public attention in this direction, and this is all that we seek to do at present. In conclusion, however, we would suggest that if the office of adjudication in the last resort is to be regarded as a branch of the judiciary, and not as a mere privilege appended to political rank, the possessors of which may exercise it or not as they feel inclined, and as a sort of gratuitous favour conferred on the suitors, it should be imposed as a strict duty on a court specially constituted for the purpose and composed of judges whose services should be sought by the public as a right, and who should be subjected to every proper security for the sufficiency of their qualifications, and for the due performance of their duty.

The Courts, Appointments, Promotions, Vacancies, &c.

WESTMINSTER POLICE COURT.

George Nelson, toll collector at Vauxhall-bridge, was summoned for unlawfully demanding and taking 2d. toll from Mr. Henry Francis Smith, a private in the Victoria Rifle Corps, he being exempt from the payment of such toll and claiming exemption.

Mr. Metcalfe, who appeared in support of the complainant, said that the present proceedings were taken under the 6th of George 4, c. 31, a statute passed to alter and amend the local Acts relating to Vauxhall-bridge, the 18th section of which imposed a penalty of £10 upon any toll-collector who should commit the offence with which the defendant stood charged. The question was, whether a volunteer was exempt from toll while returning in his carriage from duty? It had been decided in the case of *Mayne v. Gould* and other cases, that a volunteer was exempt from toll while on foot, and it could not be disputed that a cavalry volunteer would be entitled to this exemption, and, therefore, why not a volunteer riding in his carriage drawn by one horse?

Mr. Smith was then called, and said that the corps to which he belonged met at Kilburn on Saturday, the 13th of October last, for a field day, in the course of which they proceeded a considerable distance. At the conclusion of the day's exercise his servant met him with the phaeton at Kilburn, and having occasion to pass over Vauxhall-bridge he claimed exemption from the toll, which was, however, refused; he was at the time in the usual uniform, furniture, and accoutrements of the corps, and claimed exemption on that ground.

In cross-examination by Mr. Prendergast, who appeared for the defence, the complainant said he had on his regimental great coat, and had a sword, not a rifle, the latter being left at the ground by regulation.

Mr. Prendergast thought that the magistrate could but give an extra-judicial opinion, as the 18th section of the Act did not give him power to adjudicate, on reference to which section it appeared that the penalty was only recoverable by civil action, there being no clause to empower the magistrates to enforce it.

Mr. Prendergast was quite willing on the part of those he represented to take the magistrate's opinion upon the subject.

Mr. ARNOLD declined to give an opinion upon a matter over which he had no jurisdiction.

Mr. Metcalfe thought that the best way to try the question would be for riflemen to refuse payment, and it would then come up for decision in another form. Under the 97th section of the 49th of Geo. 3, c. 142, a former Act belonging to Vauxhall-bridge, any person unduly claiming exemption was subject to a penalty of £5, as a question of assault might arise out of the detention and endeavour to obtain the toll.

Mr. ARNOLD dismissed the summons on the ground of want of jurisdiction, and pointed out that the parties might bring an action for the penalty in the county court.

Correspondence.

BAR ETIQUETTE.

SIR,—Your contemporary, the editor of the *Law Times*, in the leading article of his journal of the 20th inst., what he is pleased to designate as "the perennial abuse of the bar;" if, for "abuse," he had written "abuses," I should have agreed with him. In support of his own opinion your contemporary cites that of Mr. Ryland (I presume of Birmingham), who, at a recent congress of the "Metropolitan and Provincial Law Association," observed "that they seldom had a meeting in that district (the midland) without hearing something about the etiquette of the bar;" and added that he (Mr. R.) "had no doubt that they were anxious to promote the end they had in view—viz., an improvement in the rules of the bar. But he asked whether, for that purpose, it would not be much more dignified, and much more likely to be successful, if they submitted to the heads of the bar itself the objections which at present they entertained on the subject." To Mr. Ryland's plan I see no possible objection, save that perhaps, if acted upon, what is gained in dignity may be lost in practical efficiency—the old Roman aphorism, "QUIS CUSTODIET IPSOS CUSTODES," may be paraphrased by our own "Don't set the cat to guard the cream."

During the discussion at the recent law congress at Newcastle, Mr. Shaen complained, I really think with reason, of that "bar etiquette, which," as he observed, "compels plaintiffs at assizes to retain two counsel, whether they are or are not desirous of doing so." To this another member (Mr. Rose) replied that he "was not aware of any rule that required the employment of two counsel;" and added, that "if his clients wanted to curtail expense he (Mr. R.) invariably gave a brief to a junior counsel, and one brief only." We see here, Mr. Editor, two gentlemen, both practitioners of long standing and

high respectability, at issue upon a point of fact. If, under such circumstances, a brief narrative of an adventure which occurred to myself some years ago at the Gloucester assizes may be acceptable as throwing light upon the question in dispute, *la voila!*

Being concerned for plaintiffs, a mercantile firm, who, as is not unfrequently the case, like some of Mr. Rose's clients, "wanted to entail expense," I, acting upon Mr. Rose's principle—"gave a brief to a junior counsel, and one brief only." The cause decided, I was leaving the assize hall, when the defendant's leading counsel (the late Mr. Serjeant Ludlow) rose, and having intimated that "he was at all times zealous for the privileges of his circuit," averred that the "bar etiquette required that in all cases in which a serjeant or silk-gownman was retained on one side, there should be at least two counsel holding briefs upon the other." The judge Sir J. T. Coleridge, having bowed assent, the errier forthwith, at Mr. Serjeant Ludlow's instance, conferred on me a temporary but undesirable notoriety, by shouting out my name till the court rang again. I stood forth. The serjeant reiterated his polite suggestion, and I—with equal courtesy, I trust—explained that I was disinclined to pay a fee to any learned gentleman whom I had not retained. Serjeant Ludlow persisted, talking somewhat loftily of "bar etiquette," while my own counsel (an intimate personal friend) entreated me so earnestly for his sake to concede the point, suggesting also, that—"a tail brief and a guinea fee would do"—that I at length—I am ashamed to say so—yielded, and folding up a blank sheet of foolscap lengthwise, in my turn caused the circuit stentor to proclaim, that any barrister to whom "bar etiquette" awarded it, might advance and take the "tail brief and the £1 3s. 6d." The judge looked stern, the bar, of course, following suit, and frowning awfully. An awkward interval of some minutes followed, relieved, however, by the partially suppressed giggling of the bystanders. At length a gentleman, whose wig and gown seemed spick-and-span, accosted me. "Sir, I am—at least, I think I am—the youngest member of the Oxford circuit; but if not, you may confidently rest assured that I will hand over your tail-brief and your fee to my learned junior when I have discovered him." "Pray, sir," I answered, "don't, at least on my account, give yourself the trouble of such an investigation. *Bar etiquette*, it seems, requires that because a fraudulent and insolvent defendant has retained Mr. Serjeant Ludlow to represent him, and that learned gentleman is anxious to increase, shall I say, sir, the respectability or the emoluments of the Oxford circuit, my clients should, through me, give a tail-brief and £1 3s. 6d. either to you, whom we have not retained and of whom we know nothing, or to some other gentleman of whom we know as little—nay, sir, less, if that be possible, since of his very existence, if, indeed, he does exist, we, like yourself, are uncertain. As there is, however, it should seem, no help for it—" Thus speaking, Mr. Editor, I placed the "tail-brief," together with a sovereign, a half-crown, and a shilling, in the junior's hand, and thereby verified (I anticipate your citation) the old proverb which refers to the very brief connexion which subsists in general between a simpleton and his money. The next week's *Gloucester Journal* contained an article on "*Bar etiquette*," which was not, however, written by

Your obedient, faithful servant,

B. BLUNDELL, F.S.A.

Law Club, London, October 24, 1860.

MANORIAL CUSTOMS—STAFF KEEPING ON HIGHWAYS.

In the manor of A. B., the following presentment has for many years been made at the Court Leets annually held for the manor.

"We present that there ought to be no staff keeping in the roads and common fields within the manor, nor in (certain lanes specifying them), nor within side any gate leading to any common field.

"And we present and order that no person shall use staff keeping upon any such roads, commonable lands, or lanes, under the penalty of one shilling and sixpence a head, which we do order the Hayward to receive for all such cattle as shall be so staff kept."

By the 74th section of 5 & 6 Will. 4, c. 50, it is enacted that if any horse, &c., be found wandering, &c., on any highway or on the sides thereof without a keeper, the surveyor or any person authorised by him shall impound the same.

I shall be very glad if some of your correspondents will give me their opinion:—

1st. As to what is the true definition of staff keeping. Is

it not the very thing that the Highway Act does not apply to; that is, depasturing cattle on the sides of the roads in the custody of a keeper?

2ndly. How is the Hayward to enforce the penalty fixed at the Court? Can he impound the cattle until it is paid? (See *Regina v. Bradshaw*, 7 C. & P. 233.)

3rdly. Are the above duties of the Hayward as to staff keeping on such of the roads within the manor as are highways taken away by the General Highway Act? G. W.

MANORIAL CUSTOMS.

I shall feel obliged to any of your Essex subscribers by their informing me whether there are any remains in that county of the following manorial customs; viz.—Avenge or avillage; frampole fence, leppe and lasse and green silver (Writtle); lawless court (*Rochford*); mark penny, and pot-ray (Maldon); service by making baskets (*Liston*); ward-staff (*Lambourn*); warrocks (*Morton*). I shall also be glad of the name of any manors in the same county in which the custom of borough English prevails; distinguishing those manors in which the descent differs; for although the custom is strictly confined to the youngest son or his lineal representative, it is sometimes varied by special custom; in some manors the descent being extended to the youngest daughters, in others to the youngest collateral heir. Mr. Corner has proved that the custom exists in the following manors; viz.—Alresford, Boxted Hall, South Bersted, Dedham Hall, Old Hall and New Hall; in Beaumont, Maldon, Wivenhoe, Woodford, St. Mary (extends to youngest brother), Wikes or Park Hall, in Wix, Wralness, Walthamstow, Toney, and High Hall, in Walthamstow.

R. S. CHARNOCK.

Gray's Inn Square.

EQUITABLE MORTGAGES—ARREARS OF INTEREST.

A case has recently occurred to me in the course of practice which causes much embarrassment. Nearly twenty years ago and many more than six, a sum of money was lent by the person for whom I am interested upon the security of an equitable mortgage, in the ordinary manner; the title deeds of some landed property were deposited, accompanied by a memorandum of agreement, signed by the mortgagor, reciting that the deeds were deposited to secure the debt with interest, and agreeing on request to execute a legal mortgage in the usual form to secure the same. No interest was ever paid, and the mortgagor has recently died; and the question now arises, can I claim all the arrears of interest due, or am I entitled to recover only the arrears of the last six years?

The statute 3 & 4 Will. 4, c. 27, s. 42, provides that no arrears of interest in respect of any sum of money charged upon or payable out of any land shall be recovered by any action or suit, but within six years next after the same shall have become due. By c. 42 of the same session of Parliament, s. 3, twenty years is assigned as the time of limitation for actions of covenant or debt upon any bond or specialty. By judicial construction the latter Act is considered as an exception from the former, and arrears of interest may be recovered in an action of covenant or debt within twenty years.

Now, it will be observed, that in my case the principal and interest is secured merely by a deposit of the deeds, explained by the written agreement, and there is at present no covenant upon which an action could be brought to recover either the principal or the interest. Under the agreement, however, the mortgagor was bound, upon request, to execute a mortgage in the usual form; would such a mortgage be restricted to a mere conveyance of the land subject to redemption, or would it also include a covenant to repay the principal and interest? If the latter, can the agreement to execute such a covenant be enforced specifically against the executors of the deceased mortgagor?

The only authority I can find throwing any light upon the case is a dictum of Wigram, V.C., in *Du Vigier v. Lee*, 2 Harv. 326, a leading case upon the construction of the above statute, after stating that the operation of the first enactment, c. 27, s. 42, would extend to mortgages without bond or covenant, he goes on to say that "equitable mortgages of every description would remain within its operation." I should be very glad to learn whether there is further authority or any practice recognized by the Courts in such cases.

In case I should not be able to enforce payment of the whole arrears of interest due by any active proceedings, can I refuse to give up possession of the deeds until the whole amount is paid?

FINIS LITUM.

The Provinces.

BRADFORD.—At the sitting of the magistrates at the Bradford Borough Court, on the 22nd ult. Mr. Lees, the solicitor, addressing the bench, said that some time ago a woman named Margaret Ryan, was committed from that court for trial at the sessions on the charge of having stolen a pair of boots from an inn at Leeds, where she had been engaged to sing at evening concerts. A woman's dress was also missed at the same time. The prisoner was tried at the recent quarter-sessions at Leeds, and was found guilty. The chairman (Mr. Greenwood) stated to the jury that the case was one which ought to have been decided summarily, and that he should not allow any costs for the prosecution; but upon the application of Mr. Wheelhouse, who was instructed by him (Mr. Lees) for the prosecution, the Chairman eventually allowed all the costs except the costs of attorney. Mr. Wheelhouse requested to know the grounds upon which the costs of attorney were disallowed; whereupon the Chairman stated that he knew more about the way in which prosecutions were got up in Bradford than Mr. Wheelhouse did; and that was the only explanation he would give about the matter. The woman was ordered to be imprisoned till the rising of the court, and she had since been apprehended at Liverpool for stealing wearing apparel, and was now awaiting her trial at the sessions there. He (Mr. Lees) had brought the matter before the Bench from a sense of duty, feeling that the ends of justice would not be fully carried out if a case committed for trial there was to be met at the quarter sessions by a refusal of the costs. He thought some explanation was due from the chairman of the quarter sessions to the bench of magistrates at Bradford, as it would be impossible to carry out the criminal law if the payment of the costs of witnesses and attorney were to be left to the discretion of the chairman of the quarter sessions, acting simply upon his own views. The woman refused to plead guilty on being brought before the Bradford bench, and said she would rather be tried by a jury; and under the criminal statute, however small the amount of the property stolen might be, the committing magistrates had discretionary power either to send a case for trial or commit summarily, not only from the circumstances of the case, but also by reason of any other facts which might come to their knowledge. He intended to bring the matter before the next court of quarter sessions, and apply for his costs.—Mr. Ald. Brown, the magistrate presiding, agreed with Mr. Lees in the facts, and thought that he would be quite justified in following the course he proposed. He (Mr. Brown) might state that there had been complaints on the other side that they (the magistrates) had convicted summarily in cases which ought to have been sent to the sessions. The Bradford Bench of Magistrates were always careful to convict summarily where they could, instead of committing for trial at the sessions. He hoped Mr. Lees would bring the matter before the next Court of Quarter Sessions.—Mr. Lees said the present case was a stigma upon the Bradford Bench or the Bradford attorneys. He hoped it only referred to himself; because, if it did, he could easily meet it.

BRISTOL.—A deputation of merchants, representing a body of subscribers numbering forty-eight, lately waited upon Alfred Henderson, Esq., solicitor, of Bristol, and presented him with a massive silver salver and claret jug, as an acknowledgment of their appreciation of his unwearied and valuable efforts in reference to the notorious Wells case, which gave rise to so many proceedings both in the bankruptcy and criminal courts, and for so long attracted a very large share of public attention. In the centre of the salver, underneath Mr. Henderson's crest, was the following inscription:—"This salver, together with a silver claret jug, was, on the 10th day of October, 1860, presented to Alfred Henderson, Esq., of the city of Bristol, solicitor, by E. Absalom, Esq., F. W. Stephens, Esq., and H. G. Gardner, Esq., on behalf of themselves and a large number of merchants, in testimony of their satisfaction at the ability and energy with which he conducted a case of great public interest." The claret jug was gracefully and appropriately embellished with vine leaves. The articles were from the atelier of Messrs. C. Taylor & Son, silversmiths, College-green, and were valued at about seventy-five guineas. A vellum was likewise presented to him, on which were neatly engrossed the names of the subscribers, not all of whom were creditors of the Wells estate. We are sure this recognition of the arduous services of Mr. Henderson will be greeted with delight by all who take an interest in having commercial transactions honestly conducted.

DURHAM.—A few days since Sir William Atherton, the Solicitor-General, laid the foundation stone of a new Primitive

Methodist chapel at Durham. The learned gentleman alluded to his education among a kindred body, which, in common with the Primitive Methodists, traced its secular origin to John Wesley, and devoutly wished success to the undertaking.

LIVERPOOL.—A case of some interest to members of volunteer corps, and also to the drivers and proprietors of omnibuses, was recently brought before the Liverpool stipendiary magistrate, in which an information had been laid before him, at the instance of Mr. Maxwell, captain of the 19th Lancashire Rifle Volunteers, and that of Mr. Perkins, lieutenant in the same corps. It set forth that while that corps was crossing the street, at the head of Seel-street, an omnibus passing along, instead of stopping to allow the volunteers to pass, drove on, thereby endangering the lives and limbs of a portion of the corps. The evidence was of a conflicting character, and from it it appeared that the driver was unwilling to wait until the volunteers had passed, and that the volunteers were at least equally desirous of having their progress unimpeded. For the complaint it was stated that the driver not only refused to stop, but also that he struck several of the volunteers with his whip. Mr. Cobb, attorney, who appeared for the omnibus driver, said that the omnibus was proceeding at a slow rate, and that the driver only used his whip when some of the volunteers had seized his horses by the head, and were attempting by force to interfere with the progress of the vehicle, which he maintained the driver was justified in doing. The magistrate, in giving his decision, said he should not be guided by the fact that the parties complaining were volunteers. He said that in any procession, whether military or civil, even a procession of charity children across a street, vehicles were bound to pull up, as otherwise serious injury and perhaps death itself might ensue. The driver was ordered to pay a fine of 5s. and costs.

MANCHESTER.—A man named John Chendale was brought before the magistrates at Manchester, on the 23rd of October, charged with being drunk and assaulting his wife. Mr. Trafford recognised him as a man he had committed to the sessions for stealing candles on the 16th ult. "I thought you were to have been tried yesterday," Mr. Trafford observed to the prisoner, "for stealing candles at Burton-on-Irwell." "So I was, Sir," the prisoner replied, "and I pleaded guilty, but the jury wouldn't believe me; so they tried me and quit me." Mr. Trafford: "You are such a notorious liar, I suppose the jury couldn't believe you when you told the truth."

NEWCASTLE.—The Michaelmas sessions for this town were held on Wednesday, the 17th ult., when only one case appeared for trial. In his charge to the grand jury, the Recorder (Mr. D. Seymour, Q.C.) made special reference to this gratifying state of affairs, attributing it to three causes—mechanical, economical, and moral; in other words, to the vigilance of the police, to the remunerative employment the town afforded to the poorer classes of the community, and to the action of reformatory schools.

WALSALL.—On Monday, the 15th ult., A. S. Hill, Esq., D.C.L., of the Oxford Circuit, delivered a lecture in connection with the Library and Philosophical Institute of this town, at the George Hotel Assembly Rooms, selecting as his subject the "History of Sicily and the House of Savoy." There was a very numerous attendance.

WARWICK.—At the sessions held here on the 19th ult., Sir John Eardley Wilmot, Bart., the Recorder, drew attention to the remarkable increase and continuance of undiscovered crime throughout the country. The remarkable character of these cases consisted mainly in the fact that they were perpetrated with impunity. It was well known that criminals were encouraged when the chances of detection were diminished. These chances were now much less, owing to the increased facilities given to the guilty to avoid detection. A series of dreadful murders had recently been committed and the murderers were yet at large, so that it really became a question whether the police should not be assisted by some system of detection more in keeping with the times. Under these circumstances should there not be in every county an officer distinct from the magistrates or police intrusted with the duty of instituting prosecutions? The public had been informed, through the medium of the press, of the strange anomaly existing with regard to the murder at Road, where the magistrates had set on foot a new machinery for the discovery of the criminal; but where a suspected person was examined the very same gentlemen who instituted the prosecution sat to deliberate as judges in the case. Then with regard to that admirable body, the

police, they might be stimulated by the hope of reward, or influenced by the prejudices of the locality itself. This was exemplified in the case of the Road murder, where, instead of following the proper course—that of collecting facts, and seeing how far they fitted persons—they positively fixed upon one whom they thought the most likely person, and then by force and violence they distorted and moulded facts to fit the accused. This course of procedure had resulted in certain failure, as the facts did not apply to the suspected person at all. What he had stated tended to show the want of public prosecutors in order to give greater security to persons and property in England.

Reviews.

The Lawyer's Companion and Diary for 1861. Edited by H. MOORE, Esq. London: Stevens & Sons.

Of the many Companions and Diaries which are annually published for the use of attorneys, this is one of the most serviceable. It will be found by articulated clerks, and by managing clerks, very convenient as a book of reference in their daily avocations. In addition to the ordinary accompaniments of a diary, it comprises a good deal of information upon many professional topics; such, for instance, as an abridgment of the stamp laws, and tables of stamp duties; a summary of important statutes; and an index of the statutes of the past session, tables of interest, income tax and legacy duties. It also contains numerous short practical forms in daily use by solicitors, and a complete law list and directory.

The Solicitor's Diary, Almanack, Legal Digest, and Directory for 1861. London: Richard Groombridge & Sons, Paternoster-row; Waterlow & Sons, London-wall.

This diary, although it is not so ambitious a work as the volume mentioned above, will nevertheless be found useful. It comprises much well arranged information upon matters interesting to the legal profession.

Metropolitan and Provincial Law Association.

At the recent meeting at Newcastle-upon-Tyne, Mr. W. SHAEN, M.A., read the following paper on the "Etiquette of the Bar."

The subject of bar etiquette was first forced on my attention some years ago when I had occasion to go down to an assize town in the middle of England, to attend the trial of an action of ejectment. I was anxious to keep all legal expenses within narrow bounds, and the case was a perfectly simple one; I therefore prepared only a single brief, which I placed in the hands of a friend at the bar who I knew would sympathise with my desire to keep down the costs.

In due time the case was called on, and my counsel rose to perform the duty for which he had received his fee. Scarcely, however, had he completed the formal introduction of "May it please your lordship—Gentlemen of the jury," when a buzz went round the bar table, and amidst a great show of good-humoured indignation, half a dozen gentlemen of the long robe asked him "Where was his junior?" For a few moments he good-naturedly attempted to disregard the interruption and continue his address, but the buzz increased, and he soon turned to me and explained that I must give him an assistant labourer, as he was not allowed by the etiquette of the bar to open the pleadings to the jury. I knew nothing of the etiquette of the bar as distinguished from the etiquette of gentlemen, and the ordinary rules of fair dealing; and I did not choose to assist in the perpetration of what I felt to be an act of extortion upon my client. I therefore simply replied that I had no other brief ready, and must leave the case in the hands of my counsel. Thereupon the barristers present proceeded to ascertain by a rapid self-examination who was the junior member of their body, and the one therefore, it is to be presumed, the least qualified to assist in winning my cause. Having found out that a young gentleman had just joined the circuit who was at that moment familiarizing himself with the air and the arrangements of the other court, he was hastily summoned; and, considerably to his own astonishment, and slightly to his confusion, he was pushed up to the side of the gentleman holding my

brief. My leading counsel, as he had thus become, handed his brief to this young gentleman, who with some blushes, and with some blunders, succeeded in ascertaining, from a hasty glance over the first page; and in explaining to the jury, that the question for them to try was, whether the plaintiff or the defendant was the lawful possessor of a certain small message and premises. He then returned the brief to my friend, and sat down; having nothing more to do with the case.

When the bill of costs came to be made out, this little piece of bar etiquette increased the amount by some few pounds, and of course without the slightest corresponding advantage to my client.

A few years later I was again attending the assizes in another provincial town, and on that occasion I delivered a brief to a friend on the circuit, who had been a fellow collegian, though a few years my junior. His father was, and his brother is, an attorney, well known to several here present. In the course of the morning he asked me to dine with him at his lodgings, that we might discuss the case in hand at our leisure. I did so, and as we turned out for an evening walk afterwards he remarked to me, "It is fortunate that none of my brother barristers has happened to come in this afternoon, or that dinner would have cost me a guinea at least;" alluding to the well known rule that it is a gross breach of bar etiquette for a barrister on circuit to dine with, and much more to give a dinner to, an attorney.

In the course of last year, I was bold enough to begin building a house. The troubles consequent on dabbling in bricks and mortar are proverbial, and mine began, when, in consequence of the last great strike in the building trade, the work was stopped; and the half finished carcass of my house remained for three months a melancholy example of the evils resulting from the code of laws which form what we may perhaps be pardoned for calling "the etiquette of the brick-layers."

Having thus been brought into personal and unpleasant contact with these two codes, I could not help noticing how much they resembled each other. To compare them in detail is a task not unattended with difficulty, for it is well known that the managers of trade unions are very desirous that their rules should not get into any but friendly hands; and, as far as I am aware, the etiquette of the bar has not hitherto been either codified, or consolidated into a statute. In fact, I suspect there are few among the members of the bar themselves who are well acquainted with all its minutiae, unless, indeed, they be the officers of those solemn and secret tribunals which hold their sittings at the close of every circuit; for the purpose, I believe, principally, of fining offenders for the benefit of the bar wine fund.

Still it is known that this mysterious code consists of three branches at least: one of which regulates the rights and duties of the members of the bar *inter se*; a second deals with the conditions under which it is permissible for gentlemen who have obtained the honour of a call, to hold personal and social intercourse with those who are not only below the bar, but whose professional rank is, I presume, illustrated by those little canals or ditches which are provided for us to sit in in the courts of the Vice-Chancellors; while the third seeks to solve the difficulty of reconciling the theory of the *honorarium quiddam* with a natural and praiseworthy desire to extract as speedily as possible from the public the pecuniary means of a supporting an establishment befitting the dignity of those pleasant little appointments to which gentlemen may aspire on obtaining the legislative qualification of "a barrister of seven years' standing." The first branch with its scale of fines for such offences as marrying, &c., is no concern of ours, and I will not here attempt to discuss its merits. With regard to the second, which includes amongst the offences it stigmatizes such acts as going to an assize town before the commission day—shaking hands with an attorney—bowing to an attorney—dining with an attorney—riding in the same carriage with an attorney—bowing to, or dancing with, an attorney's wife or daughter. We must be permitted to say that it is founded on the lowest possible estimate of their own honour and even honesty, and on a total disregard of the interests of their and our clients—the public. Much of it, indeed, so entirely misapprehends the relation which ought to exist between the advocate and the public—that professional employment and remuneration seems to have been regarded by those who framed it simply as a mass of lawful plunder—in the race and scramble for which the sole important point is to secure that all the competitors shall start fair.

With the third branch also, as guardians of the purses of our clients, we have an important concern. It embodies such

rules as those declaring that every plaintiff at the assizes shall retain two counsel, and forbidding the return of fees in cases where from press of business, or other similar causes, counsel has neglected to perform the work for which he has been paid. It is superfluous to say that its whole object is to force up bar emoluments to an artificial height; to avoid responsibility for work badly performed; and to protect unhalloved gains for work contracted for and then left unperformed.

Several curious illustrations of the building etiquette, regulating the number of bricks to a hod—the number of times the bricklayer's assistant or junior is permitted to ascend a ladder in the course of an hour, and some others, have lately found their way into the columns of the daily press. Some few others have also been recently published, as to the treatment of those who are technically termed "blacks," and who, like corresponding offenders of the long robe, are subjected to the national punishment of being "sent to Coventry;" and I have been much struck by the fact that the main object of the trades union maintained by the bar, is exactly the same as that of the etiquette enforced by the bricklayers. Both alike seek to limit dangerous competition, to keep on one level skilled and unskilled labour, and to raise the amount of their respective wages as high as possible above the level which they would find if left to the natural result of the great law of supply and demand—a law which has of late years been recognised as the proper regulator of prices in all the relations of men; and to which even the most powerful section of English society, the landowners, has been forced to submit.

If the parallel which I have attempted to draw is a just one, I do not see how we can escape the conclusion that the unflattering characteristics so frequently and freely applied to large bodies of English working men, who are denounced for their ignorance and neglect of the laws of political economy, their shortsighted selfishness, their blind obstinacy, and their cruel tyranny over those who would fain free themselves from the rules, we have noticed; all these are in strict justice equally applicable to the men who, in their own gentlemanly way, enforce the corresponding portions of bar etiquette.

At all events I think we have seen enough to justify us in tendering to the bar the advice which has been lately urged by the master builders upon the trade societies—that they should submit the entire body of their rules to some impartial authority—say a retired judge—and beg him to make such alterations in them as will bring them into harmony with the general law of the land. If, when that has been done, they will publish the collection, under the authority of the Joint Educational Committee of the four Inns of Court, so ably presided over by the present Attorney-General, I think we may venture to anticipate that the code of morals and manners which will in future be placed in the hands of students for the bar, to be inwardly digested, together with the orthodox number of term dinners, will be somewhat less absurd, and a good deal less objectionable, than the shifting, indefinite, unwritten, and only half acknowledged rules, many of which are evidently far behind the age in which we live, though they still, from time to time, display their uncouth shapes, seeking shelter from the judgment they deserve under the title of "The etiquette of the bar."

Mr. ROSE was not aware of any rule that required the employment of two counsel. If they wanted to curtail the expenses, they invariably gave a brief to a junior counsel, and one brief only. He did not agree that two branches of the profession should be broken down. He confessed himself he looked at the bar of England almost with reverence. It was true of the common law bar—and it was sincerely to be deplored—that there was a great want of first-rate talent there; but that was not pertinent to the question. Of the bar itself he had the highest possible opinion. He thought that the profession of attorney ought to be separate; and as regarded supply and demand, he reminded them that there were many exceptions to what was no doubt a general rule.

Mr. HODGSON was sorry he could not join in the encomium passed upon the bar by Mr. ROSE. He desired to say nothing disrespectful of them; but he did not think, as a body, they treated the attorneys with a reasonable degree of respect. They ought to have equal facilities to resort from their profession to that of a barrister, as they had to leave theirs to resort to the profession of an attorney. He concurred in the main with Mr. SHAEN's paper.

Mr. EDISON thought the matter was one of very great importance, and he hoped the Metropolitan and Provincial Law Association would take it up.

Mr. PAYNE had a cordial leaning to what Mr. SHAEN had

said, and should be glad to learn how soon those small etiquettes were broken down.

Mr. RYLAND thought they had very seldom had a meeting in this district without hearing something about the etiquette of the bar. He had no doubt they were anxious to promote the end they had in view, viz., an improvement in the rules of the bar; but he asked whether, for that purpose, it would not be much more dignified, and much more likely to be successful, if they submitted to the heads of the bar itself the objections which at present they entertained on the subject.

Mr. GLYNN said the fusion between the attorney and barrister had been very much discussed, and though they might strive to evade it, it was a question which more and more pressed for solution.

Mr. SHAEN, in reply, pointed out that in his paper he had not made any attack upon the bar, nor had he discussed the question of uniting the two branches of the profession. He had only called attention to certain portions of bar etiquette, in condemning which he was glad to know he had the concurrence of many members of the bar.

Obituary.

JAMES ARNOTT, ESQ.

We regret to have to record this week the sudden and unexpected demise of this gentleman, a member of the eminent firm of Chater, Arnott, & Chater, Solicitors, of Newcastle, which occurred on the 19th ult., at his residence at Gateshead. The health of the deceased gentleman had been observed by his family and friends to be affected by the attention and labour given by him to a large and increasing business; but they had no reason to expect so sudden a bereavement as they have sustained by his decease.

In his profession, Mr. Arnott was distinguished for his ability, talent, and conscientious discharge of duty, while in private life he was deservedly respected and esteemed. He was formerly engaged in the Town Clerk's Office, at Newcastle, and subsequently became deputy town clerk, and for a long period he was acting registrar at the Newcastle county court, and afterwards became acting registrar at the county court at Gateshead, an office which he held with honour to himself until his death. In 1858, he entered into partnership with Messrs. Chater, and at that time several of his professional brethren took the opportunity of presenting him with his portrait, as a token of their high estimation of the ability with which he had discharged the duties of his official position. Mr. Arnott was in his fifty-sixth year, and has left a widow, four sons, and two daughters to lament his death, which will be deplored by all who knew him. His interment took place on Tuesday, the 23rd ult., at the Jesmond Cemetery, and was attended by a large number of the relatives and friends of the deceased, by several gentlemen with whom Mr. Arnott had official relations, and by the elders and office bearers of the Presbyterian Church of Melbourne-street, Gateshead, of which the deceased was an elder. Several members of the profession to which Mr. Arnott belonged—by all of whom he was greatly esteemed and respected—likewise attended to pay a last tribute of regard to the memory of the deceased.

Law Students' Journal.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY.

MR. GEORGE WIRGMAN HEMMING, on Equity, Monday, November 5th.

MR. FREDERICK MEADOWS WHITE, on Common Law and Mercantile Law, Friday, November 9.

QUESTIONS TO BE ANSWERED BY THE CLERK UNDER THE 4TH SECTION OF THE ATTORNEYS ACT, 1860.

How many years, before the execution of your articles of clerkship, were you a *bond fide* clerk to any and what attorney, solicitor, or proctor? and state the nature of the business in which you were *bond fide* engaged during that period, and whether under the direction and superintendence of such attorney, solicitor, or proctor.

State the names and places of business of the attorneys, solicitors, or proctors with whom you have been so engaged.

and the time of service to each respectively, before the date of your articles of clerkship.

QUESTIONS TO BE ANSWERED BY THE ATTORNEY UNDER THE 4TH SECTION OF THE ATTORNEYS ACT, 1860.

How many years before the execution of the articles of clerkship of was he a *bona fide* clerk to you?

During that period what was the position he occupied in your office, and what was the nature of the business transacted and performed by him under your direction and superintendence?

Did he during that period faithfully, honestly, and diligently serve you as such clerk?

State your places of business during the time he said was so engaged, and the length of time of his service to you before the date of his articles of clerkship, in the matters of business above referred to.

Court Papers.

Court of Chancery.

SITTINGS AFTER MICHAELMAS TERM, 1860.
LORD CHANCELLOR.

Friday	Nov. 2	Appeal Motions, Petitions, and Appeals.
Saturday	" 3	Lincoln's Inn.
Monday	" 5	Appeals.
Tuesday	" 6	
Wednesday	" 7	
Thursday	" 8	Appeal Motions and Appeals.
Friday	" 9	
Saturday	" 10	
Monday	" 12	Appeals.
Tuesday	" 13	
Wednesday	" 14	
Thursday	" 15	Appeal Motions and Appeals.
Friday	" 16	
Saturday	" 17	
Monday	" 19	Appeals.
Tuesday	" 20	
Wednesday	" 21	
Thursday	" 22	
Friday	" 23	Petitions and Appeals.
Saturday	" 24	Appeal Motions and Appeals.
Monday	" 26	

MASTER OF THE ROLLS.

Friday	Nov. 2	Motions.
Saturday	" 3	Chancery Lane.
Monday	" 5	Petitions, Short Causes, Adjourned Summons, and General Paper.
Tuesday	" 6	General Paper.
Wednesday	" 7	
Thursday	" 8	Motions.
Friday	" 9	General Paper.
Saturday	" 10	Petitions, Short Causes, Adjourned Summons, and General Paper.
Monday	" 12	
Tuesday	" 13	General Paper.
Wednesday	" 14	
Thursday	" 15	Motions.
Friday	" 16	General Paper.
Saturday	" 17	Petitions, Short Causes, Adjourned Summons, and General Paper.
Monday	" 19	
Tuesday	" 20	General Paper.
Wednesday	" 21	
Thursday	" 22	
Friday	" 23	Petitions, Short Causes, Adjourned Summons, and General Paper.
Saturday	" 24	
Monday	" 26	Motions.

Unopposed Petitions must be presented and Copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard.

LORDS JUSTICES.

Friday	Nov. 2	Appeal Motions.
Saturday	" 3	Lincoln's Inn.
Monday	" 5	Appeal Motions, and Appeals.
Tuesday	" 6	Appeals.
Wednesday	" 7	
Thursday	" 8	Appeal Motions, and Appeals.
Friday	" 9	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	" 10	
Monday	" 12	Appeals.
Tuesday	" 13	
Wednesday	" 14	
Thursday	" 15	Appeal Motions, and Appeals.
Friday	" 16	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	" 17	
Monday	" 19	Appeals.

Tuesday	Nov. 20	
Wednesday	" 21	Appeals.
Thursday	" 22	
Friday	" 23	Petitions in Lunacy and Bankruptcy, Appeal Petitions, and Appeals.
Saturday	" 24	Appeals.
Monday	" 26	Appeal Motions and Appeals.

The days (if any) on which the Lords Justices shall be engaged in the full Court, or at the Judicial Committee of the Privy Council, are excepted.

V. C. Sir R. T. KINDERSLEY.

Friday	Nov. 2	Motions.
Saturday	" 3	Lincoln's Inn.
Monday	" 5	Petitions, Short Causes, Adjourned Summons, and General Paper.
Tuesday	" 6	General Paper.
Wednesday	" 7	
Thursday	" 8	Motions and General Paper.
Friday	" 9	Petitions.
Saturday	" 10	Short Causes, Adjourned Summons, and General Paper.
Monday	" 12	
Tuesday	" 13	General Paper.
Wednesday	" 14	
Thursday	" 15	Motions and General Paper.
Friday	" 16	Petitions.
Saturday	" 17	Short Causes, Adjourned Summons, and General Paper.
Monday	" 19	
Tuesday	" 20	General Paper.
Wednesday	" 21	
Thursday	" 22	Petitions.
Friday	" 23	
Saturday	" 24	Short Causes, Adjourned Summons, and General Paper.
Monday	" 26	Motions and General Paper.

V. C. Sir JOHN STUART.

Friday	Nov. 2	Motions.
Saturday	" 3	Lincoln's Inn.
Monday	" 5	Petitions, Short Causes, and General Paper.
Tuesday	" 6	General Paper.
Wednesday	" 7	
Thursday	" 8	Motions and General Paper.
Friday	" 9	Petitions and General Paper.
Saturday	" 10	Short Causes and General Paper.
Monday	" 12	
Tuesday	" 13	General Paper.
Wednesday	" 14	
Thursday	" 15	Motions and General Paper.
Friday	" 16	Petitions and General Paper.
Saturday	" 17	Short Causes and General Paper.
Monday	" 19	
Tuesday	" 20	General Paper.
Wednesday	" 21	
Thursday	" 22	Petitions and General Paper.
Friday	" 23	Short Causes and General Paper.
Saturday	" 24	
Monday	" 26	Motions.

V. C. Sir W. PAGE WOOD.

Friday	Nov. 2	Motions.
Saturday	" 3	Lincoln's Inn.
Monday	" 5	Petitions, Short Causes, and General Paper.
Tuesday	" 6	General Paper.
Wednesday	" 7	
Thursday	" 8	Motions and General Paper.
Friday	" 9	General Paper.
Saturday	" 10	Petitions, Short Causes, and General Paper.
Monday	" 12	
Tuesday	" 13	General Paper.
Wednesday	" 14	
Thursday	" 15	Motions and General Paper.
Friday	" 16	General Paper.
Saturday	" 17	Petitions, Short Causes, and General Paper.
Monday	" 19	
Tuesday	" 20	
Wednesday	" 21	General Paper.
Thursday	" 22	
Friday	" 23	Petitions, Short Causes, and General Paper.
Saturday	" 24	
Monday	" 26	Motions and General Paper.

Queen's Bench.

CROWN PAPER.

Michaelmas Term, 1860.

Cambridgeshire.	Robert Sparrow, Appellant; The Churchwardens and Overseers of Impington, Respondents.
Breconshire.	John Thomas, Appellant; Evan Griffith Williams, Respondent.
Middlesex.	The Queen on the Prosecution of the Strand Union, Respondent; The Churchwardens and Overseers of St. Giles-in-the-Fields, Appellants.

Hunts. The Queen against the Inhabitants of Fletton.
 Gt. Yarmouth. The Queen on the Prosecution of Francis Worship, Esq., and Others, Respondents; Richard John Harrod, Appellant.
 Northumberland. George Embleton, Appellant; Henry Brown, Respondent.
 Derbyshire. George Woolley, Appellant; James Corbushley, Respondent.
 " George Withnall Tomlinson, Appellant; James Corbushley, Respondent.
 Staffordshire. William Hayes, Appellant; John Adams Stevenson, Respondent.
 Metropolitan Police District. Thomas Doiek, Appellant; Alexander Phelps, Respondent.
 Birmingham. William Spooner Till, Appellant; Thomas Walker, Respondent.
 Brighton. Henry Hill, Appellant; Samuel Thomcroft, Respondent.
 Essex. Eliza Clements, Appellant; Amos Smith, Respondent.
 W. R. Yorkshire. Titus Thewlis, Appellant; Henry Richard Kay, Respondent.
 Warwickshire. The Queen v. W. R. R. Bedford and Another.
 Staffordshire. The Queen on the Prosecution of the Churchwardens and Overseers of Rushton Spencer, Respondent; The North Staffordshire Railway Company, Appellants.
 Cambridge. The Queen on the Prosecution of the Churchwardens, &c. of St. Michaels, Respondent; Henry Smith, Appellant.
 Liverpool. Arthur Brown Steele, Appellant; John Hamilton, Respondent.
 W. R. Yorkshire. Charles Walker, Appellant; William Wellran, Respondent.
 Newcastle-upon-Tyne. The Queen v. The Inhabitants of Elswick.
 W. R. Yorkshire. The Queen v. The Rev. Arthur B. Wrightson, Clerk.
 Metropolitan Police District. Mark Looms, Appellant; John Bally, Respondent.
 Kent. The Queen on the Prosecution of Stephen Finn v. The Lord's, Bailiff, and Jurats of Romney Marsh.
 Tewkesbury. The Queen on the Prosecution of the Churchwardens and Overseers of Tewkesbury, Respondent; The Severn Navigation Company, Appellant.
 Middlesex. The Queen v. The Inhabitants of St. Marylebone.
 Worcestershire. The Right Hon. William Baron Ward, Appellant; Jeremiah Thomings, Respondent.
 Essex. Thomas Farridge, Appellant; Thomas Shaw, Respondent.
 Newcastle-upon-Tyne. Henry Sibbet, Appellant; William Ainsley, Respondent.
 Metropolitan Police District. James Empson, Appellant; The Metropolitan Board of Works, Respondent.
 " Charles Peckham, Appellant; The Metropolitan Board of Works, Respondents.
 Monmouthshire. John Gwatkin, Appellant; The Chepstow Water Company, Respondents.
 Metropolitan Police District. The Queen on the Prosecution of Douglas Labalmondiere, Respondent; Stephen Reder Mourilyan and Another, Appellants.
 Derbyshire. William Sudbury, Appellant; Thomas Knifton, Respondent.
 Surrey. The Queen on the Prosecution of Edwin Vancey Brander and others, Respondents; Edward Rondie, Appellant.
 London. The Queen v. Bezer Blundell.
 Northumberland. William Dickson, Appellant; Thomas Doubleday, Respondent.
 Berkshire. The Queen v. The Great Western Railway Company, Charles Wyatt Estcourt, Appellant; Sir Henry Oglander, Respondent.
 W. R. Yorkshire. Isabella Walls, Appellant; Thomas Graham Scott, Respondent.
 Lancashire. William Seddon, Appellant; James Cocker, Respondent.
 Devon. William Batting and Others, Appellants; The Bristol and Exeter Railway Company, Respondents.
 Essex. John Banton and Others, Appellants; William Daro, Respondent.
 Metropolitan Police District. William Walsey, Appellant; Philip Anley, Respondent.
 Kingston-upon-Hull. The Queen on the Prosecution of the Overseers of Sculcoates, Respondent; The Overseers of Holbeck, Appellants.
 Bucks. Henry Gibbons, Appellant; The Vicar, Churchwardens, and Overseers of Medlow, Respondents.
 Newport, Hants. William James Everett, Appellant; George Grapes, Respondent.
 Holland, Lin. William Waltham Birrose, Appellant; Thomas Hampton, Respondent.
 Kent. The Queen on the Prosecution of the Justices of Kent, Respondent; The Overseers of Blackmanstone, Appellant.
 W. R. Yorkshire. Ely Gledhill, Appellant; Ely Sutcliffe, Respondent.
 Cornwall. William Stripp Luke, Appellant; James Charles, Respondent.
 Surrey. The Queen v. The Inhabitants of St. George the Martyr.
 Liverpool. John McFerran, Appellant; Thomas Scott, Respondent.
 Margate. Richard Samuel Thorne, Appellant; Jacinth Cuisin, Respondent.
 " Richard Samuel Thorne, Appellant; Reginald St. Clair, otherwise Gomersal and Another, Respondents.
 Merionethshire. The Queen v. George Price Lloyd.
 Bala. The Queen v. Owen Richards.
 Merionethshire. The Queen v. John Jones.
 Galeshead. Martin Dunn, Jun., Appellant; The Galeshead Local Board of Works, Respondents.
 MICHAELMAS TERM, 1860.
 ENLARGED RULES.
 To the first day of Term.
 Dots v. Menies. Enlarged until after Judgment given in the Appeal in the Exchequer Chamber.

Ex parte The Rev. John Echlin Armstrong, Clerk, D.D.
 In the Matter of Edward Woodcock, Gent., one, &c.
 Bramwell v. Othen, sued, &c.
 The Queen v. William Peter Bodkin, Esq., and Others, Justices, and Thomas Beale.
 The Queen v. The Mayor, &c., of Beverley.
 The Queen v. Sir John W. Andry and Others.
 The Queen v. James Fairall.
 SPECIAL PAPER.
 FOR JUDGMENT.
 Castrique v. Behrens and Others.
 FOR ARGUMENT.
 Demurrer. Shrub v. Eyre.
 " Schlumberger v. Lister.
 County Court Appeal. Giles v. Scott.
 Demurrer. Bosanquet v. Heath.
 " Heath v. Bosanquet.
 " Jackson v. Saxon.
 Special Case. Saunders v. Eppe.
 " Sinclair, Administratrix, &c., v. The Maritime Passengers Assurance Company.
 " The Hungerford Market Company v. The City Steam Boat Company, Limited.
 Demurrer. Hewson v. Xenos.
 Special Case. Molesworth v. Quayle.
 " Custance v. Bester.
 Demurrer. Summerville v. Jenkins.
 " Clapham v. Langton.
 " Summerville v. Mirehouse and Another.
 " Ferguson, P.O., &c., v. Humphrey and Another.
 " Benken and Another v. The Great Central Gas Consumers Company.
 " Sturgeon and Another v. The Great Central Gas Consumers Company.
 Special Case. The Birkenhead Improvement Commissioners v. Hind.
 County Court Appeal. Harris v. May.
 Special Case. The Crystal Palace Company v. The London, Brighton, and South Coast Railway Company.
 " Myers v. Sari and Others.
 County Court Appeal. Hacking v. Lee.
 Special Case. Taff Vale Railway Company v. The Rymney Railway Company.
 Demurrer. Crampton v. Walker.
 " Crampton v. Walker.
 " Crampton v. Walker (sued with another).
 " Barlow v. The Barham Brick Pottery and Cement Company, Limited.
 Special Case. Cooper and Another v. Billing and Others, Executors, &c.
 Demurrer. Milvain v. Perez and Others.
 County Court Appeal. Little and Another v. Burgo and Others.
 Sheriffs' Court Appeal. Israel v. Oastler and Another.
 Special Case. Hewer v. Cox.
 Demurrer. Regents Canal Company v. Midford.
 " Dixon v. Fawcus.
 NEW TRIAL PAPER.
 FOR JUDGMENT.
 Durham. Ashworth v. Stanwix and Another.
 FOR ARGUMENT.
 Cornwall. MICHAELMAS TERM, 1858.
 { Lyle v. Richards and Others. Stands over till Decision of the Court of Error in Reynolds v. Bickley.
 MICHAELMAS TERM, 1859.
 Pembroke. Goode v. The South Wales Railway Company.
 HILARY TERM, 1860.
 London. Simpson v. Young and Another.
 Tried during Term.
 Middlesex. Joyce v. Joyce, Executrix, &c.
 EASTER TERM, 1860.
 Middlesex. Bickford v. Binning, sued, &c., part heard. Stands over till after the trial of Bickford v. The Royal Mail Steam Packet Company.
 London. Matthews v. Gibbs and Others.
 " Thompson and Others v. The North Eastern Railway Company.
 " Barry v. Shipley.
 Norfolk. Ropatzky v. Rodhall.
 " Wright v. Wilkin.
 Part Heard.
 Oxford. Cole and Others v. Denny and Another.
 Gloucester. Evison v. The Oxford, Worcester, and Wolverhampton Railway Company.
 " Dorset v. Muff.
 Carmarthen. Thomas v. Rogers.
 Glamorgan. Davies, an Infant, v. Bowen, Clerk.
 Chester. Evans v. Thomas.
 " Adcock v. Needham and Another.
 " Hall v. Crawford and Another.
 Middlesex. Noble v. Le Gros.
 " Cohen and wife v. De Mallepreve.
 " Payne v. Revans.
 " Romillo v. Halahan.
 " Lloyd v. Shaw.
 " Stevens v. Taylor.
 London. Cook and Others v. Wright.
 TRINITY TERM, 1860.
 Middlesex. Dixon and wife v. Bush.
 " St. Albyn and wife v. The London General Omnibus Company, Limited.
 " Wool v. Smith.
 " Mitchell v. Hall.

Common Pleas.

REMANET PAPER.—MICHAELMAS TERM, 1860.

ENLARGED RULES.

To the 6th day of term.	In the matter of the Complaint of Baxendale and Others v. The Great Western Railway Company.
Until after Trial.	Rogers v. Taylor.
Master to report to Court.	In the matter of T. M. Cattlin, Gent. Cattlin v. Maitland and Others.
Do.	Same v. same.
Until application to Court of Chancery is disposed of.	In the matter of the Complaint of Nutt v. The Midland Railway Company.
To the 4th day of Term next after Trial.	Slipper v. Back.
Do.	Erwin v. Back.
Until proceedings in Chancery are disposed of.	Walter and Others v. Whitaker.

DEMURRER PAPER.

Monday, November 12.

County Court Appeal.	Thornton, Appellant; Betts and Another, Respondents. To stand over till Cuthbertson v. Irving in the Exchequer Chamber is disposed of.
Special Case.	Jones v. Taping. To stand over till Hutchinson v. Copestake in Exchequer Chamber is disposed of.
Case by order of Demurrer.	Eason — v. Fletcher and Another.
Appeal from Justices.	Backhouse, J., Appellant; Churchwardens of Bishops-wearmouth, Respondents.
Demurrer.	Harris —, Appellant; Jenns, Respondent.
"	Shadwell — v. Shadwell and Another, Executor and Executrix.
"	Smith — v. The Emperor Fire Assurance Society. Special Case to be stated if parties can agree, and ordered to keep its place in the Paper.
"	Todd v. Flight.
Case Sisd Prius.	Lewis v. The Mayor, &c., of Rochester.
Appeal from Justices.	Freeman, Appellant; Read —, Respondent.
Demurrer.	Smith and Others v. Vertue and Another.
Appeal from Justices.	Legg, Appellant; v. Pardoe, Respondent.
Demurrer.	Stears v. South Essex Gas Light and Coke Company.
Special Case.	Reid v. Couillard and Others.
Demurrer.	Maitland, Liquidator, &c., v. Graham.
Appeal from Justices.	Walters, Appellant; Williams Respondent.
"	Roberts, Appellant; Preston, Respondent.
County Court Appeal.	Vaughton, Appellant; Bradshaw, Respondent.

Wednesday, November 14.

Demurrer.	Tray v. Hicks.
Appeal from Sheriffs' Court.	Browne, Appellant; Hotson, Respondent.
Demurrer.	Gibb and Another v. Cox.
"	Bachelor v. Laurence and Others.
"	Hibell v. Egerton.

NEW TRIALS.—EASTER TERM, 1860.

Kernan v. Waterer and Another.

TRINITY TERM, 1860.

Bailey and Another v. Sweeting.

Cur adv. vult.

Gye v. Hughes.

On the matter of the Arbitration between Messrs.

Brogden & Co. and the Llynvi Valley Railway Company.

Court of Probate.

Court for Divorce and Matrimonial Causes.

Michaelmas Term, 1860.

Sittings at Westminster at Eleven o'clock.

Probate causes without juries:—

November....	3	November....	6
"	5	"	8
Probate causes with juries:—			
November....	19	November....	26
"	20	"	27
"	22	"	29
"	23	"	30
"	24		

FULL COURT for Divorce and Matrimonial Causes without juries:—

November....	9	November....	13
"	10	"	15
"	12		

The Court for Divorce and Matrimonial Causes. Causes without juries:—

November....	16	November....	17
December....	3	December....	11
"	4	"	13
"	6	"	14
"	7	"	15
"	8	"	17
"	10	"	18

On Wednesday, the 7th November, and each succeeding Wednesday, during the sittings of the Court, the Judge will sit in Chambers to hear summonses at Eleven o'clock, and in Court to hear Motions at Twelve o'clock.

Papers for Motions to be left with the Clerk of the Papers before Two o'clock on Fridays.

Central Criminal Court.

The following list of days has been determined upon by her Majesty's Judges, for holding the Sessions during the ensuing mayoralty:—

1860 .. November 26.	1861 .. June 10.
" .. December 17.	" .. July 8.
1861 .. January 7 and 28.	" .. August 19.
" .. February 25.	" .. September 23.
" .. April 8.	" .. October 21.
" .. May 6.	

Births, Marriages, and Deaths.

BIRTHS.

McMILLIN—On Oct. 25, the wife of John McMillin, Esq., Solicitor, Dances, inn, of a son.

POE—On Oct. 21, at Kilkenny, the wife of James Poe, Esq., Solicitor, of a daughter.

RICHARDSON—On Oct. 21, in Dublin, the wife of John Richardson, Esq., Barrister-at-Law, of a daughter.

MARRIAGES.

BAIRD—THOMPSON—On Aug. 17, at St. Kilda, near Melbourne, John McVey, second son of John Baird, Esq., Merchant, Glasgow, to Eleanor, second daughter of the late George Thompson, Esq., Solicitor, Manchester.

GOLDIE—HART—On Oct. 25, Archibald Watson Goldie, Esq., Writer to the Signet, Edinburgh, to Henrietta Townsend, fourth daughter of the late Rev. George Vaughan Hart, of Castlebar, county Mayo.

LYON—NORRIS—On Oct. 30, Richard St. John Chinnery Lyon, Esq., M.D., Dalkey, to Margaret Jemima, second daughter of Thomas J. Norris, Esq., Barrister-at-Law, Dalkey.

PETERS—PITMAN—On Aug. 14, at Sandhurst, Hodson Clarke Peters, Esq., son of the late Hon. Charles Jeffrey Peters, Attorney-General of New Brunswick, to Octavia Sophia, daughter of George Joseph Pitman, Esq., of Sandhurst, and formerly of Barnstable, Devon.

VIZARD—OSWALD—On Oct. 11, at Douglas, Isle of Man, Lieutenant Walter J. Vizard, H.M.'s 35th Regiment Madras Native Infantry, son of the late Charles Vizard, Esq., Dursley, to Josephine, daughter of H. R. Oswald, Esq., Douglas.

DEATHS.

CAMERON—On July 17, at Fardon, Tasmania, aged 83, Margaret Ann, relict of the late Donald Cameron, Esq., M.D., R.N., of Fardon and Landavate, Tasmania, and daughter of the late Robert Still, Esq., Advocate, Edinburgh.

CONSELINE—On Oct. 29, Mary Ann, wife of James Conseline, Esq., Solicitor, Fall-mall.

HANNA—On Oct. 24, Rhoda Mary, the wife of Thomas Hanna, Esq., Solicitor, Dublin.

LIVINGSTON—On Oct. 25, in her 75th year, Eliza, relict of the late Jasper Hall Livingston, Esq., of Jamaica, and eldest daughter of the late Hon. Brookholst Livingston, one of the Judges of the Supreme Court of the United States of America.

NEWILL—On Oct. 25, John Robert, the infant son of R. D. Newill, Esq., Solicitor, Wellington, Salop.

WELLS—On Oct. 20, aged 64, Jane, youngest daughter of the late Peter Wells, Esq., formerly of Bradford, and sister to W. Wells, Esq., Solicitor, of that place.

London Gazettes.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Oct. 30, 1860.

ATKINS, ROBERT, Esq., 1, Otway-terrace, Westow-hill, Upper Norwood, Surrey (who died on Aug. 6, 1860). Hillyer & Fenwick, Solicitors, 24 3, Philipot-lane, London. Jan. 1.

BRACOHAMP, ELIZABETH, Spinster, Twickenham, Middlesex (who died on April 10, 1860). Blake, Tylic, & Tylics, 14, Essex-street, Strand, W. Dec. 17.

BULLER, FREDERICK THOMAS (who died on June 5, 1860). Robinson & Barlow, Solicitors, 26, Essex-street, Strand, London. Dec. 15.

CHATFIELD, JOHN, Farmer, Postern, Tombridge, Kent (who died on or about June 30, 1860). Stemming, Solicitor, Tombridge. Dec. 10.

DRAPER, GEORGE, formerly of 81, London-wall, London, Merchant, and of 22, Woburn-square, Bloomsbury, Middlesex, and afterwards of 3, Cambridge-place, Regent's-park, but late of 7, Park Village West, Regent's-park, Gent. (who died on Sept. 11, 1860). Hill & Son, Solicitors, 25, Throgmorton-street, London. Dec. 31.

FLINT, Mrs. HANNA, Weybridge, Surrey (who died on or about May 21, 1860). Church, Langdale, & Prior, Solicitors, 38, Southampton-buildings, Chancery-lane, Middlesex. Jan. 1.

FRANCIS, CAROLINE MATILDA, Widow, Canterbury (who died on Jan. 25, 1860). Wightwick, Kingsford, & Fraser, Solicitors, 16, Watling-street, Canterbury. Dec. 22.

GWIN, Rev. HENRY NICHOLAS, St. Leonard's-on-Sea. Freeland & Borsdale, Solicitors, 12, South-square, Gray's-inn, London. Dec. 1.

HOLMES, JASPER, Esq., Upper Tulse-hill, Surrey (who died on or about Aug. 20, 1860). Lofly, Potter, & Son, Solicitors, 36, King-street, Chesapeake, London. Dec. 15.

LANGLEY, JUDITH BISHOP, Widow, Bedford (who died on June 30, 1860). Townly & Shearman, Solicitors, Bedford. Jan. 15.

LACKYER, Major-General HENRY FREDERICK, formerly of Brompton, Kent, and late commanding Her Majesty's Forces in the island of Ceylon (who died on Aug. 30, 1860). Hillyer & Fenwick, Solicitors, 2 & 3, Philipot-lane, London. Dec. 31.

McMILLIN, JAMES, Gent., Wigan, Lancashire (who died on Feb. 23, 1860). Hilton, Solicitor, Wigan. Dec. 26.

SACKHAM, WILLIAM, Gent., formerly of Oxford, and late of Kullington, Oxfordshire (who died on July 27, 1860). Holmes, Solicitor, Carfax, Oxfordshire. Dec. 31.

SPANNATH, Mrs. ELIZABETH WHITE, Widow, Helston, Cornwall (who died on July 8, 1860). Rogers & Son, Solicitors, Helston. Jan. 1.

FRIDAY, NOV. 3, 1860.

ABREY, JAMES, Esq., sen., Broxbourne, Herts (who died on Feb. 24, 1860).
Birt, Solicitor, 1, Southampton-street, Fitzroy-square, Middlesex.
Dec. 20.
CORNICK, GEORGE, Carpenter, Nicholas-street, New North-road, Middlesex
(who died on March 18, 1831). Mills, Solicitor, 3a, Brunswick-place,
City-road, Middlesex. Jan. 31.
GENEY, WILLIAM HUMPHREYS, 15, Newmarket-terrace, Cambridge-
heath, Middlesex (who died on Oct. 12, 1852). Wilkin, Solicitor, 10,
Tokenhouse-yard, London. Dec. 4.
GILBERT, GEORGE, Gent., formerly of 14, Rawstorne-street, St. John-
street-road, Middlesex, afterwards of 22, Matilda-street, Richmond-
road, near Bartsbury, Middlesex, and late of 33, Sutton-street, York-
road, Waterloo-road, Lambeth, Surrey (who died on or about Sept. 20,
1860). Temple & Windsor, Solicitors, 4, Blomfield-street, City, London.
Dec. 31.
HAYES, ROBERT NEVILLE, Gent., Western-villas, Great Ealing, Middlesex
(who died on March 1, 1859). Surman, Solicitor, 11, New-square,
Lincoln's-inn. Dec. 31.
HAZELL, DAVID, Yeoman, Mead, Wantage, Berks (who died on May 29,
1860). Ormond, Solicitor. Dec. 31.
HERWORTH, GEORGE, Joiner & Wheelwright, Dam Side, Almondsbury,
Yorkshire (who died on or about Nov. 30, 1859). Jessop, Solicitor,
New-street, Huddersfield. Nov. 15.
JOHN, JOHN, Wine & Spirit Merchant, Wolverhampton, Staffordshire
(who died on or about Aug. 27, 1856). Warner, Draper, Executor,
Wolverhampton (six weeks).
KITTLE, HENRY SAMUEL, Gent., 3, Marlborough-terrace, Old Kent-road,
Surrey (who died on Aug. 3, 1860). Mason & Son, Solicitors, 13, Bed-
ford-row, Middlesex. Dec. 31.
KING, WILLIAM, Farmer & Grazier, Holmby House, otherwise Holdenby
House, Northamptonshire (who died on July 8, 1860). King, Solicitor,
1a Clement's-lane, London. Dec. 1.
LAVON, REBECCA FRANCIS, Coal Merchant, Kew, Surrey (who died on Sep.
30, 1860). Berkeley, Solicitor, 52, Lincoln's-Inn-Fields, Middlesex. Jan. 1.
LINGTON, ELIZABETH, Spinster, 29, Montpelier-crescent, Brighton, Sussex
who died on April 15, 1860). Cooper & Williams, Solicitors, 55, Middle-
street, Brighton. Dec. 3.
PHILLIPS, ANN, Widow, (heretofore Casey, Spinster), 2, Hyde-place,
Greenwich (who died on May 29, 1860). Stevens & King, Solicitors,
6, Gray's-inn-square, London. Jan. 1.
PORTER, JAMES, Grocer & Draper, Long Sutton, Lincolnshire (who died on
Sept. 7, 1860). Mossop & Wright, Solicitors, Long Sutton. Nov. 30.
WILES, ANNE, Spinster, 73, Seymour-place, Braystone-square, Middlesex
(who died on May 27, 1859). Gadsden & Flower, Solicitors, 28, Bedford-
row, Middlesex. Dec. 8.
WORSLEY, CHARLES, Farmer, Shrewley, Warwickshire (who died on Nov. 12,
1859). Snape, Solicitor, High-street, Warwick. Nov. 30.

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, NOV. 3, 1860.

KITCHEN, GEORGE, Cloth Manufacturer, Swinnow, Bramley, Yorkshire
(who died in or about March, 1860). Kitchen v. Her Majesty's Attorney-
General, M.R. Dec. 3.
MERRYWEATHER, COMPTON, 37, Fenchurch-street, London, and 9, Booth-
street, Spitalfields, Middlesex (who died on or about Oct. 22, 1859). Tod-
hunter v. Merryweather, M.R. Nov. 30.
VALENTINE, WILLIAM, Yeoman, Cuddale, Lancashire (who died on Oct. 5,
1860). MARY VALENTINE, Spinster, Cuddale (who died on Feb. 25,
1862). and JOHN VALENTINE, Yeoman, Cuddale (who died on June 16,
1864). Fielden v. Hornby & Others, V. C. Stuart. Nov. 28.

Assignments for Benefit of Creditors.

TUESDAY, OCT. 30, 1860.

BENNETT, WILLIAM, Boot & Shoemaker, Golden Cock Yard, Kirkgate,
Leeds. Oct. 2. *Trustees*, J. Conyers, jun., Boot & Shoe Manufacturer,
and J. Balmforth, Currier, Leeds. Sol. Granger, 7, Bank-street,
Leeds.
HOAT, JAMES, Victualler, Pyrgo Arms, Eastwick, near Harlow, Essex.
Oct. 15. *Trustees*, G. Harris, Veterinary Surgeon, Writtle, Essex, and
W. M. Chambers, Wine Merchant, Gresham-street, London. Sol.
Glynnes, 8, Crescent, America-square, London.
PARKIN, WILLIAM, and JOHN BACKHOUSE, Iron Founders, Attercliffe,
Sheffield. Oct. 16. *Trustees*, J. M. Twibell, Grocer, Sheffield, and
J. Hutton, Engine Manufacturer, Attercliffe, Sheffield. Sol. Rodgers
& Thomas, Sheffield.
PORTER, MICHAEL, Miller, Battle, Sussex. Oct. 23. *Trustees*, A. Thorpe,
Cornfactor, W. Denyer, Seelman, and J. Tenner, Farmer, same place.
Sol. Kell, Battle, Sussex.
SCOTT, CHARLES, Licensed Victualler, Sun, Gray's-inn-lane, Middlesex.
Trustee, W. Ward, Gent., Lordship-lane, Stoke Newington, Middlesex.
Sol. Rossen, 58, Lincoln's-Inn Fields.
WATSON, FREDERICK LLOYD, Stationer & Printer, Lymington, Southampton.
Oct. 20. *Trustees*, J. Clayton, sen., and J. Clayton, jun., Wholesale
News Agents, 265, Strand, Middlesex. Sol. Hodgson, 3, Verulam-
buildings, Gray's-inn.

FRIDAY, NOV. 3, 1860.

DAY, ARTHUR, Cheesemonger, 8, Desborough-place, Harrow-road, Mid-
dlesex. Oct. 2. *Trustee*, William Brown, Accountant, 5, Saint Benedict's-
place, Gracechurch-street, London. Sol. Nehemiah Bartley, 4, Bart-
lett's-buildings, Holborn, London.
HOWLETT, JAMES, Farmer, Brickhouse Farm, Marks Hall, Essex. Oct. 6.
Trustees, H. W. Westrop, Farmer, Bures Saint Mary, Suffolk, and
W. Bright, Maltster & Brewer, Great Coggeshall, Essex. Sol. Dow-
man, Sudbury, Suffolk.
JOHNSON, THOMAS, Grocer, Alwicks, Northumberland. Oct. 26. *Trustee*,
J. Horsley, Cheesemonger, and W. Turnbull, Grocer, Alwicks.
Sol. Spoons & Carr, Alwicks.
MARTIN, BENJAMIN, Miller, Maresfield, Sussex. Oct. 30. *Trustees*, E. S.
Walls, Shopkeeper, Bramfield, Sussex, and L. Martin, Farmer, Ripe,
Sussex. Sol. Langham, Uckfield, Sussex.
SHORTFIELD, MICHAEL, Stuff Merchant, Bradford. Nov. 1. *Trustees*, J.
McFarlane, Manufacturer, W. Booker, Merchant, and G. Ackroyd, one
of the Managers of the Bradford Banking Company, Bradford. Sol.
Taylor & Jeffery, 5, Piccadilly, Bradford.
TOLSON, CHRISTOPHER, Builder, Earlsheaton, Dewsbury, Yorkshire. Oct. 4.
Trustees, L. A. Shepherd, Ironfounder, Dewsbury, and J. Brooke,
Joiner, Earlsheaton. Sol. Scholefield & Oldroyd, Dewsbury.

UTTING, WALTER, Hosier & Haberdasher, Lowestoff, Suffolk. Oct. 25.
Trustees, J. W. Ling, Plumber & Glazier, and A. Cooper, Cabinet
Maker & Upholsterer, Lowestoff. Sol. Scargo, Lowestoff.
WALKER, HENRY, Hat Manufacturer, Oct. 2. *Trustee*, F. Royle, Hat
Manufacturer, Manchester. Sol. Haxby, 11, Belvoir-street, Leicester.

Bankrupts.

TUESDAY, OCT. 30, 1860.

BOREHAM, HENRY, Plumber, Painter, & Glazier, 26, Wilmot-street, Russell-
square, Middlesex. Com. Foulque: Nov. 14 & Dec. 5, at 12; Basing-
hall-street. *Off. Ass.* Graham. Sol. Danfield & Fraser, 26, Craven-
street, Strand, London. *Ref. Oct. 24.*
DAVIES, ROBERT CRADOCK, & JOHN NICHOLS TROUGHTON, Bankers, 197,
Shoreditch, Middlesex (Robert Davies & Co.) Com. Evans: Nov. 12 &
Dec. 21, at 11; Basinghall-street. *Off. Ass.* Johnson. Sol. Tan-
queray, Williams, & Hanbury, 84, New Broad-street. *Ref. Oct. 29.*
ENGLISH, HENRY ROBERT, Licensed Victualler, Brierley-hill, Staffordshire.
Com. Sanders: Nov. 12 & Dec. 3, at 11; Birmingham. *Off. Ass.*
Kinnear. Sol. Bolton & Sanders, Dudley, or James & Knight, Birming-
ham. *Ref. Oct. 27.*
HARMAN, WILLIAM, otherwise WILLIAM FREDERICK HARMAN, Outfitter,
Emmett-street, Poplar, Middlesex. Com. Evans: Nov. 13 & Dec. 13,
at 12; Basinghall-street. *Off. Ass.* Bell. Sol. Heather & Son, 17,
Paternoster-row. *Ref. Oct. 25.*
HARTLEY, JOSEPH, Cloth Manufacturer, Calverley, Yorkshire. Com. West:
Nov. 9 & Dec. 7, at 11; Leeds. *Off. Ass.* Young. Sol. Simpson, Com-
mercial-street, Leeds. *Ref. Oct. 18.*
HOLLINGS, JOSEPH, Cowkeeper, Carman, & Contractor, 42, Charles-street,
Hamstead-road, Middlesex. Com. Evans: Nov. 13, at 11 & Dec. 13,
at 1; Basinghall-street. *Off. Ass.* Johnson. Sol. Roberts, 8, Barge-
yard-chambers, Bucklersbury. *Ref. Oct. 29.*
HULFORD, JOSEPH, Licensed Victualler, Navigation Inn, Oxford-street,
Birmingham. Com. Sanders: Nov. 9 & 29, at 11; Birmingham.
Off. Ass. Whitmore. Sol. E. & H. Wright, Birmingham. *Ref. Oct. 22.*
LANEY, GEORGE FREDERICK, Lithographic Printer & Engraver, 19,
Coleman-street, London. Com. Foulque: Nov. 14 at 12.30, & Dec. 5, at
1; Basinghall-street. *Off. Ass.* Graham. Sol. Chidley, 10, Basinghall-
street, London. *Ref. Oct. 27.*
MARTIN, JOHN, Innkeeper & Provision Dealer, Daisy Bank, Sedgley, Staf-
fordshire. Com. Sanders: Nov. 9 & 29, at 11; Birmingham. *Off. Ass.*
Whitmore. Sol. Boddington, Dudley. *Ref. Oct. 29.*
MOORE, ELIZABETH LYNN, Widow, & JOSEPH LYNN MOORE, Carpenters &
Undertakers, Dorking, Surrey. Com. Goulburn: Nov. 12, at 1.30, &
Dec. 12, at 12; Basinghall-street. *Off. Ass.* Pennell. Sol. Young, 6,
Serjeant's-inn, Fleet-street, London. *Ref. Oct. 27.*
PORPA, GIOVANNI, Tailor, 88, St. James's-street, Westminster, Middlesex.
Com. Foulque: Nov. 14, at 1 & Dec. 11, at 12; Basinghall-street.
Off. Ass. Stansfield. Sol. West & King, Charlotte-row, Mansion-house,
City, London. *Ref. Oct. 26.*
SAGE, FREDERICK, & PETER PANTER, Builders & Shop Fitters, 11, Hatten-
garden, and 33a, Liqnor-road, Middlesex. Com. Fane: Nov. 16,
at 12, & Dec. 14, at 11.30; Basinghall-street. *Off. Ass.* Cannan. Sol.
Smith & Son, 6, Barnard's-inn, Holborn. *Ref. Oct. 29.*
STRONG, WILLIAM, Builder, Merton-road, Wandsworth, Surrey. Com. Fane:
Nov. 10, at 10.30, & Dec. 14, at 12.30; Basinghall-street. *Off. Ass.*
Cannan. Sol. Neal, Finner's-hall, Old Broad-street. *Ref. Oct. 21.*
WILKINSON, GEORGE, Grocer & Flour Dealer, Durham. Com. Ellison:
Nov. 9 & Dec. 18, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. Sol.
Smith, Durham; Watson, Newcastle-upon-Tyne; or Bell, Broderick,
& Bell, Bow Churchyard, London. *Ref. Oct. 25.*

FRIDAY, NOV. 3, 1860.

ABBOTT, JAMES MAUD, Carpenter, Builder, & Undertaker, Hanwell, Mid-
dlesex. Com. Goulburn: Nov. 12, at 2.30; and Dec. 17, at 12; Bas-
inghall-street. *Off. Ass.* Pennell. Sol. Draper, 29, Chairwood-street,
Fimlipo. *Ref. Oct. 29.*
ARMSTRONG, WILLIAM HILL, Upholsterer, 1, Healey-terrace, Fairfield, Lanca-
shire, late carrying on business at 15, Oldham-street, Manchester. Com.
Jennett: Nov. 13, and Dec. 4, at 12; Manchester. *Off. Ass.* Hernan-
dian. Sol. Rowley & Son, Booth-street, Manchester; or Taylor &
Jaquet, 15, South-street, Finsbury-square, London. *Ref. Oct. 25.*
ACTON, EDMUND ASHWORTH, Yarn & General Commission Agent & Factor,
15, Russell-street, Ardwick, Manchester. Nov. 15, and Dec. 6, at 12;
Manchester. *Off. Ass.* Fraser. Sol. Crowther, 16, Princess-street,
Manchester. *Ref. Oct. 25.*
ARNOLD, JOHN, jun., Innkeeper, Woodbridge, Suffolk. Com. Evans: Nov.
13, and Dec. 11, at 12.30; Basinghall-street. *Off. Ass.* Bell. Sol.
Jones, Colchester, and 61, Chancery-lane, London. *Ref. Nov. 9.*
BAKER, FREDERICK, Draper, Wednesday, Staffordshire. Com. Sanders:
Nov. 15, and Dec. 7, at 11; Birmingham. *Off. Ass.* Whitmore. Sol.
Sole, Turner & Turner, Aldermanbury, London; or James & Knight,
Birmingham. *Ref. Oct. 24.*
BALL, CHARLES JOHN, Coal Merchant & Provision Dealer, Peterborough,
Northamptonshire. Com. Evans: Nov. 13, and Dec. 11, at 12; Bas-
inghall-street. *Off. Ass.* Bell. Sol. Wright & Bonner, London-street,
Fenchurch-street. *Ref. Oct. 30.*
BARTLEY, GEORGE, Printer & Stationer, Nottingham. Com. Sanders:
Nov. 15, and Dec. 5, at 11.30; Nottingham. *Off. Ass.* Harris. Sol.
Buttery, Nottingham. *Ref. Nov. 1.*
BOOTH, THOMAS, Grocer, Manchester. Nov. 16, and Dec. 7, at 12; Man-
chester. *Off. Ass.* Post. Sol. Brooks, Marshall, & Brooks, Ashton-
under-Lyne, and 15, Police-street, Manchester. *Ref. Oct. 30.*
BOYCE, WILLIAM, Printer, Stationer, & Bookseller, East Dereham, Norfolk.
Com. Goulburn: Nov. 14 & Dec. 13, at 12; Basinghall-street. *Off. Ass.*
Pennell. Sol. Painsall, 7, South-square, Gray's-inn, London, or
Marcon, Swaffham, Norfolk. *Ref. Nov. 1.*
CARLIN, FREDERICK, Hosier & Haberdasher, 125, Drury-lane, Middlesex.
Com. Evans: Nov. 13 & Dec. 13, at 12; Basinghall-street. *Off. Ass.*
Johnson. Sol. Harrison & Lewis, Old Jewry. *Ref. Oct. 3.*
CLARK, JOHN, Licensed Victualler, Painter, & Glazier, Maindole and
Newport, Monmouthshire. Com. Hill: Nov. 13 & Dec. 11, at 11;
Bristol. *Off. Ass.* Miller. Sol. Pains, Newport, or Bevan, Gilling, &
Press, Bristol. *Ref. Oct. 29.*
COX, WILLIAM, Pickle & Fish Sauce Manufacturer, 34, Lamb's Conduit-
street, Middlesex. Com. Foulque: Nov. 14, at 12, & Dec. 18, at 11;
Basinghall-street. *Off. Ass.* Stansfield. Sol. Clowes, Hickey, & Co.,
Temple, London. *Ref. Oct. 30.*
CURTIS, RICHARD HITCHINS, Grocer, Provision Merchant, & Draper, Aber-

avon, Glamorganshire. Com. Hill: Nov. 13 & Dec. 11, at 11; Bristol. *Off. Ass. Acraman. Sols. Simons & Morris, Swansea, or Henderson, Bristol. Oct. 30.*

DANIELL, THOMAS BLADES, Ironmonger & Blacksmith, 71A, High street, Poplar, Middlesex. Com. Holroyd: Nov. 16, at 2.30, & Dec. 18, at 12; Basinghall-street. *Off. Ass. Loc. Sol. Norton, 10, Clifford's-lane Fleet-street, Oct. 31.*

FILDER, GEORGE, Woolstapler & Commission Agent, Manchester. Nov. 16 & Dec. 7, at 12; Manchester. *Off. Ass. Hermann. Sols. Redfern, Oldham, or Sale, Worthington, Shipman, & Seddon, Manchester. Feb. Oct. 29.*

HERBERT, CHARLES, Printer, Bookseller, Stationer, & Bookbinder, 21, Chardon-street, Belgrave-road, Finsbury, Middlesex. Com. Fane: Nov. 16, at 1, & Dec. 14, at 11; Basinghall-street. *Off. Ass. Whitmore. Sols. Lawrence, Pleva, & Boyer, 14, Old Jewry-chambers, Old Jewry. Feb. Nov. 1.*

MAYO, THOMAS, Wooden Ware Manufacturer, Chesham, Bucks. Com. Goulburn: Nov. 12, at 2; and Dec. 17, at 12.30; Basinghall-street. *Off. Ass. Pennell. Sols. Lawrence, Pleva, & Boyer, 14, Old Jewry-chambers, Old Jewry, London. Feb. Oct. 31.*

MARSHALL, JOHN SLATER, Boot & Shoe Factor, Billiter-street, London. Com. Goulburn: Nov. 14, and Dec. 13, at 11; Basinghall-street. *Off. Ass. Pennell. Sol. Reed, 3, Gresham-street, London. Feb. Aug. 28.*

MILLER, JOHN, Pawnbroker, Nottingham. Com. Sanders: Nov. 15, and Dec. 6, at 11.30; Nottingham. *Off. Ass. Harris. Sol. Cooke, Nottingham. Feb. Oct. 30.*

NICHOLS, WILLIAM, Manufacturer of Blue, Leicester. Com. Sanders: Nov. 15, and Dec. 6, at 11.30; Nottingham. *Off. Ass. Harris. Sols. Toller & Toller, Leicester. Feb. Oct. 29.*

PACKY, GEORGE, General Factor & Carriage Dealer, Birmingham and Edgbaston. Com. Sanders: Nov. 15, and Dec. 7, at 11; Birmingham. *Off. Ass. Kinward. Sol. Reese, Birmingham. Feb. Oct. 24.*

POWELL, LEWIS, Builder, Plumber, Glazier & Decorator, 2, Chapel-place, Cavendish-square, Middlesex (Lewis Powell & Co.). Com. Fane: Nov. 16, at 12; and Dec. 14, at 11; Basinghall-street. *Off. Ass. Cannon. Sols. Lawrence, Pleva, & Boyer, 14, Old Jewry-chambers, Old Jewry. Feb. Nov. 2.*

REIDY, RALPH, ERINGTON, Merchant, 34, Great Saint Helen's, Bishopsgate-street, London, and 65, Broad Chare, Newcastle-upon-Tyne (John Ridley & Sons). Com. Goulburn: Nov. 12, at 11; and Dec. 12, at 1; Basinghall-street. *Off. Ass. Pennell. Sols. Lawrence, Smith, & Fawdon, 12, Broad-street, Chesham, London. Feb. Oct. 30.*

RUTHERFORD, WILLIAM HAMILTON, Grocer, Nottingham (William Rutherford). Com. Sanders: Nov. 15, and Dec. 6, at 11.30; Nottingham. *Off. Ass. Harris. Sol. Sollory, Brillemith-gate, Nottingham. Feb. Oct. 29.*

SMITH, WILLIAM, Horse Dealer & Livery Stable Keeper, Eastbourne News, Westbourne-terrace, Fiddington, Middlesex. Com. Goulburn: Nov. 12, at 2, and Dec. 12, at 12.30; Basinghall-street. *Off. Ass. Pennell. Sol. King, 26, College-hill, London. Feb. Oct. 29.*

THOMSON, WILLIAM, Tailor & Outfitter, Newcastle-upon-Tyne. Com. Ellison: Nov. 14, at 12, and Dec. 12, at 12.30; Newcastle-upon-Tyne. *Off. Ass. Baker. Sols. Harle & Co. 20, Southampton-buildings, Chancery-lane, London, and 2, Butcher-bank, Newcastle-upon-Tyne. Feb. Oct. 29.*

TIMMELL, ELIZABETH, Cart Owner, & Carrier, 7, Castle-street, Kirkdale, Lancashire. Com. Perry: Nov. 12, and Dec. 3, at 11; Liverpool. *Off. Ass. Cresswell. Sols. Snowball & Copmans, Castle-street, Liverpool. Feb. Oct. 30.*

UTKINS, RICHARD, Boot & Shoe Maker, Middleborough, Yorkshire Com. Ayton: Nov. 15, and Dec. 10, at 11; Leeds. *Off. Ass. Hope. Sols. Carles & Chadwick, Leeds. Feb. Nov. 1.*

WELCH, WILLIAM JAMES, Coach Builder, Nantwich, Cheshire. Com. Perry: Nov. 12, and Dec. 2, at 11; Liverpool. *Off. Ass. Bird. Sols. Tyler, Liverpool, or Richardson, Old Jewry-chambers, London. Feb. Oct. 24.*

WOOD, JONATHAN, CHARLES WOOD, & THOMAS MARSHALL, Coal Merchants, 99, Brick-lane, Spitalfields, Mile-end, Tottenham, Funder's-end, and Enfield, Middlesex, Loughton, Essex, and Waltham and Cheshunt, Hertfordshire (J. & C. Wood). Com. Fane: Nov. 10, at 10.30; and Dec. 14, at 1; Basinghall-street. *Off. Ass. Whitmore. Sol. Carr, 25, Wood-lane, London. Feb. Oct. 24.*

BANKRUPTCY ANNULLED.

THURSDAY, Oct. 30, 1860.

STEVENS, ALFRED, Photographic Artist, 8, New Dorset-place, Clapham-road. Oct. 27.

FRIDAY, Nov. 2, 1860.

THOMSON, THOMAS, Carpet Manufacturer, Oswest & Dewsbury, Yorkshire, Oct. 28.

MEETINGS FOR PROOF OF DEBTS.

THURSDAY, Oct. 30, 1860.

AYDON, ELIZABETH, & THOMAS WILLIAM FERGUSON, Grocers & Tea Dealers, Newcastle-upon-Tyne (Aydon & Ferguson). Nov. 22, at 12; Newcastle-upon-Tyne. BALDWIN, HENRY, & JOHN BALDWIN, Tailors, 31, Cornhill, and 1, Favers Keepers, Tom's Coffee-house, Cowper's-court, Cornhill. Nov. 22, at 1.30; Basinghall-street. BOGLE, WILLIAM, Hop & Seed Merchant, Bristol-street, Birmingham. Nov. 22, at 11; Birmingham.

CLARKE, JAMES EDWARD, Cattle Salesman, Hill Close, Worcester-shire, and Chesham, Oxon. Nov. 20, at 11; Birmingham. CORNETT, NICHOLAS, & PAUL MAXIMS, Merchants, 17, Threadneedle-street, London. Nov. 23, at 11; Basinghall-street. DAVIES, CHARLES, & EDWARD DAVIES, Jrs., Soap Manufacturers, Elmsmere Port, Whitley, Cheshire. Nov. 22, at 11; Liverpool. FARRAR, JOHN BARTON, Teller, 69, Jernyn-street, St. James, Westminster, Middlesex. Nov. 23, at 12.30; Basinghall-street. GILES, FREDERICK, Dudley Port, Tipton, Staffordshire. Nov. 20, at 11; Birmingham. GRAY, FREDERICK AUSTON, Furniture Dealer, Newcastle-upon-Tyne. Nov. 22, at 12.30; Newcastle-upon-Tyne. JACKSON, WILLIAM, sen., Soap Manufacturer & Tallow Chandler, Stepney, and Church-lane, Kingston-upon-Hill. Nov. 23, at 12; Kingston-upon-Hill. KELLEY, JAMES, & EDWARD KELLEY, Tailors & Drapers, Nantwich, Warrington. Nov. 20, at 11; Birmingham. LARSEN, JOHN, Broker, Bristol. Nov. 22, at 11; Bristol. LEGG, JOHN, Iron Manufacturer & Beer Retailer, Walsall, Staffordshire. Dec. 7, at 11; Birmingham. LAW, THOMAS, Ironmonger, Abercromby, Manchester. Nov. 22, at 11; Bristol. MARSON, CHARLES, sen., Clockmaker, Rochester. Dec. 7, at 11; Birmingham. NEWAS, JOHN, and JAMES HANCOCK, Wilkes, Drapers, Wolverhampton. Dec. 7, at 11; Birmingham. PAVITT, WILLIAM, and

DANIEL PAVITT, 30, Alfred-street, Bow-road, and GEORGE PAVITT, Myddleton-road, Kingland-road, Middlesex, Millers (Pavitt & Co.). 247, Wapping, Middlesex, and 24, Mark-lane, London. Nov. 23, at 11.30; Basinghall-street. PECK, JOHN, Brass Cock Founder, 63, Little Hampton-street, Birmingham. Nov. 30, at 11; Birmingham. PERVANOWSKI, JOHN ADAM, Merchant, 11, Union-court, Old Broad-street, London. Nov. 23, at 12; Basinghall-street. SYLVE, MORRIS ROBERTS, JAMES WALKER, and DANIEL BACHMANN, Street, Merchants, Rail-alley, Lombard-street, London, and at Liverpool (Sykes, Walker, & Co.). Nov. 30, at 11; Basinghall-street. TAYLOR, JOSHUA JOSEPH HENRY, Manufacturer, Almondbury, Huddersfield. Nov. 20, at 11; Leeds. WESTON, JOHN KING, Glove Manufacturer & General Commission Agent, Staining-lane, London. Nov. 23, at 1; Basinghall-street. WILLIAMS, JOHN, Draper, Cardiff, Glamorganshire. Nov. 29, at 11; Bristol.

FRIDAY, Nov. 2, 1860.

ALMOND, GEORGE, & RICHARD MANLOVE, jun., Straw Hat Manufacturers, Luton, Bedfordshire. Nov. 14, at 1.30; Basinghall-street. HALSTEAD, DAVID, Worsted Dyer, Manchester. Nov. 27, at 12; Manchester. HEATHCOTE, EDWARD, Grocer, Rock Ferry, Cheshire. Nov. 23, at 11; Liverpool. KINGS, JAMES OSBORN, Draper, Waterloo-place, Limhouse, Middlesex. Nov. 26, at 12; Basinghall-street. LACE, JOSHUA FLETCHER, 4, Mercer-street, Birkhead, Cheshire, and LEONARD ADDISON, Abbey-grange, Cheshire, Printers & Stationers. Nov. 26, at 11; Liverpool. Joint est. and effects; same time, sep. est. and effects of Joshua Fletcher LACE. LANGRIDGE, CHRISTOPHER, & JOSEPH MIDGLEY, Dry-salters, Manchester. Nov. 23, at 12; Manchester. LAURENCE, THOMAS, & WILLIAM MONTMORE, Leather & Hide Factors, St. Mary St. (Streetfield Lawrence & Montmore). Nov. 20, at 12; Basinghall-street. OSMOND, ELI, & RICHARD ROBERTS, Commission Agents & Merchants, Manchester (Eli Osmond & Co.). Nov. 20, at 12; Manchester. Joint estate. Sep. est. of Eli Osmond, same time sep. est. of Richard Roberts. TURNBULL, EDWARD, Ship Owner, West Hartlepool, Durham. Nov. 14, at 11.30; Newcastle-upon-Tyne.

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting
TUESDAY, Oct. 30, 1860.

BALLARD, CHARLES, Shoe Manufacturer, 5, Brownlow-place, Queen's road Dulston, Middlesex. Nov. 20, at 1; Basinghall-street. BROOK, EDWIN, Cattle Dealer, Charsfield, Suffolk. Nov. 21, at 1; Basinghall-street. DAVIS, CHARLES SELSON, Plain and Ornamental Bookbinder & Stationer, 32, Goswell-street, Middlesex, and 7, Chatworth-cottages, Forest-lane, Stratford, Essex. Nov. 21, at 12; Basinghall-street. HYAMS, JONAS, Watch Manufacturer & Jeweller, 31, Spencer-street, Clerkenwell, Middlesex. Nov. 20, at 1.30; Basinghall-street.

FRIDAY, Nov. 2, 1860.

ANDREW, JOHN MOORHOUSE, Innkeeper, Dewsbury, Yorkshire. Nov. 2, at 11; Leeds. CHAVEN, GEORGE, Merchant & Commission Agent, Liverpool. Nov. 23, at 11; Liverpool. GARFITT, FREDERIC, Scrivener, Buzg, and Seabury, Lincolnshire. Nov. 28, at 12; Kingston-upon-Hill. JONES, BENJAMIN, Confectioner, West Bromwich, Staffordshire. Nov. 23, at 11; Birmingham. JONES, DANIEL, Coach Builder, Wrexham, Denbighshire. Nov. 23, at 12; Liverpool. LAW, THOMAS ROBERT, Merchant, 16, Gould-square, Crutched-hill, London. Nov. 26, at 1; Basinghall-street. LONG, WILLIAM, Innkeeper, Dock-street, Newport, Monmouthshire. Dec. 4, at 11; Bristol. LEE, COCK, SAVING, Livery-stable Keeper & Cab Proprietor, White Horse-yard, Liverpool-road, Islington, Middlesex. Nov. 24, at 12; Basinghall-street. FINCH, THOMAS, Market Gardener, Epsom, Staffordshire. Nov. 22, at 11; Birmingham. VERN, JOHN, & WILLIAM HUBB, Horticultural Builders, Jubilee-place, Chelsea, Middlesex. Nov. 26, at 11.30; Basinghall-street. WETTERSTONE, EDWARD, Plumber, Cheltenham. Nov. 27, at 11; Bristol. WOOD, MARY ANN, Straw Hat Manufacturer, Luton, Bedfordshire. Nov. 26, at 12; Basinghall-street.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, Oct. 30, 1860.

FENN, THOMAS, & WILLIAM THOMAS FENN, Wholesale and Export Boot & Shoe Manufacturer, Calvert-street, Norwich, and 20, Fore-street, Cripplegate, London, and of Tollerie-street, Hackney-road, Middlesex. Oct. 24, 3rd class, after 6 months' suspension. HAYLOCK, HENRY CARVER, Apothecary, Chemist, & Druggist, High-street, Linton, Cambridgeshire. Oct. 24, 2nd class. HOWARD, GEORGE STONE, Warehouseman, 55, Aldermanbury, London (G. S. Hubbard & Co.). Oct. 23, 3rd class. KRAM, WILLIAM, Cowkeeper & Dairyman, 13, Fortolietto-terrace, Kensington-park, and of Princes Dairy, Hereford-road, Bayswater, Middlesex. Oct. 23, 3rd class, after 6 months' suspension. THOMP, THOMAS, Draper & Hosier, Surrey House, Clapham-road, Surrey. Oct. 24, 1st class. WOODWARD, JAMES RICHARD WILLIAM JOHN POLLARD, Innkeeper, Butcher, & Dealer in Game & Poultry, Oundle, Northamptonshire. Oct. 23, 3rd class.

BRITISH MUTUAL INVESTMENT, LOAN and DISCOUNT COMPANY (Limited), 17, NEW BRIDGE-STREET, BLACKFRIARS, LONDON, E.C.

Capital, £100,000, in 10,000 shares of £10 each.

CHAIRMAN.

METCALF HOPGOOD, Esq., Bishopsgate-street.

SOLICITORS.

Messrs. COBOLD & PATTESON, 3, Bedford-row.

MANAGER.

CHARLES JAMES THICKE, Esq., 17, New Bridge-street.

INVESTMENTS.—The present rate of interest on money deposited with the Company for fixed periods, or subject to an agreed notice of withdrawal is 5 per cent. The investment being secured by a subscribed capital of £55,000, £70,000 of which is not yet called up.

LOANS.—Advances are made, in sums from £25 to £1,000, upon approved personal and other security, repayable by easy instalments, extending over any period not exceeding 10 years.

Prospectuses fully detailing the operations of the Company, forms of proposal for Loans, and every information may be obtained on application to

JOSEPH K. JACKSON, Secretary.

GENERAL INDEX.

ABOLITION OF CAPITAL PUNISHMENT IN MALICIOUS HOMICIDE, AND ITS SUBSTITUTE, Mr. Collier, Q.C., on, 205

ABOLITION OF PRIMOGENITURE AND ENTAIL LAWS, Society for, 931

ACCOUNTANT GENERAL'S CHEQUES, 385, 396

— OFFICE, The, 408, 429, 463, 471

ACKNOWLEDGMENT OF DEEDS BY MARRIED WOMEN, 330, 781

ACTION FOR COSTS, Signed bill necessary, 643

— FOR LIBEL OF DECEASED PERSON, 399

— FOR WRONGFUL DISMISSAL BY ARTICLED CLERK, *Ayerst v. Postlethwaite*, 794

— TO RECOVER BILL AND COSTS PAID TO SOLICITOR BY DEBTOR SUBSEQUENTLY SUE BY ANOTHER PARTY, 642

ADMINISTRATION OF THE LAW, Lord Brougham on, 897

ADDITIONAL CHIEF CLERK, 839

ADMIRALTY, High Court of, Mr. Morris's Lectures on, 75, 115, 137

AGGRAVATED ASSAULTS BILL, The, 537, 645

ANSWERS IN CHANCERY, Printing of, 577, 642

APPEALS IN CRIMINAL CASES, 238, 257

APPOINTMENTS, VACANCIES, &c., 4, 11, 22, 95, 103, 114, 155, 159, 176, 197, 214, 218, 237, 254, 283, 302, 310, 324, 332, 342, 361, 391, 410, 431, 446, 450, 491, 513, 514, 536, 547, 557, 563, 581, 602, 619, 623, 643, 651, 665, 684, 690, 703, 722, 741, 763, 771, 777, 792, 819, 859, 871, 872, 879, 888, 898, 909, 935

APPORTIONMENT OF RENT, 910, 922, 937, 945

ARTISTIC PROPERTY BY COPYRIGHT AND POSSESSION, 321, 426

ASSIGNING CAUSES TO EQUITY JUDGES IN ROTATION, 172

ASSIGNMENTS. See London Gazette.

ASSIMILATION OF THE LAWS OF ENGLAND AND SCOTLAND, Lord Brougham on, 894

ASSIZES, The—

— Circuits of the Judges: 33, 51, 207, 245, 633, 672

— Proceedings at: Home Circuit: 741, 762, 777, 793, 817. Midland: 390, 410, 763, 777. Norfolk: 741, 763. Northern: 77, 93, 342, 777, 794, 850. Oxford: 77, 431, 741, 762, 777, 795, 818. Western: 78, 93, 431, 763, 796, 819

ATTACK ON A FOREMAN OF A JURY, 10

ATTORNEY AND AGENT, Cases of, 801, 823, 847, 865, 873, 884, 898, 910

ATTORNEY AND CLIENT, Cases of, 3, 57, 92, 409, 421, 489, 535, 540, 642, 643, 793, 815, 818, 850

— Law of, 5, 24, 40, 61, 79, 97, 114, 137, 157, 178, 198

ATTORNEYS, Admission of, 31, 87, 107, 187, 226, 384, 478, 523, 568, 590, 633, 786

— AND SOLICITOR'S BILL, The, 231, 251, 287, 299, 303, 319, 324, 339, 343, 345, 350, 362, 367, 396, 446, 468, 487, 499, 502, 514, 531, 703, 745, 778, 797, 801, 821, 836

— CERTIFICATES, 13, 308, 350, 368, 622, 943

— MUST PAY WITNESSES BEFORE TAXATION OF COSTS, 643

AUCTIONEER'S RIGHT TO RECEIVE DEPOSIT, 872, 888

BANKRUPTS. See London Gazette.

BANKRUPTCY AND INSOLVENCY BILL, The, 357, 363, 411, 425, 434, 465, 487, 496, 531, 534, 555, 578, 579, 583, 602, 677, 684, 695, 713, 723, 725, 742, 743

— Lord Brougham on, 895

BANKRUPTCY LAW AMENDMENT, 38

BANKRUPTCY LAW OF SCOTLAND AMENDMENT, 392, 417, 536

BANKRUPTCY STATISTICS, 457, 569, 735, 912

BAR, Calls to, 31, 244, 632

— ETIQUETTE, 953, 956

BARON WATSON, The late, 254

BARONY BY TENURE, The Berkeley Case, 781

BARISTERS AND ATTORNEYS, 368

BARRISTER'S CLERK ACTING AS AN ATTORNEY, 55, 57

"BEING CALLED TO THE BAR," 107

BENEFIT BUILDING SOCIETIES AND THE BUDGET, 387

BENEFIT SOCIETIES RULES AMENDMENT, 593

BILLS OF EXCHANGE: "Notice of Dishonour," "Value Received," &c., 144, 539, 561, 606

— ACT, 852, 873, 884

BILL TO AMEND "SETTLED ESTATES ACT," 1856, 365

BINGHAM, Mr., Resignation of, 703

BIRTHS, MARRIAGES, AND DEATHS. See London Gazette.

BLACK LISTS AND TRADES CIRCULARS, 541

BLASPHEMOUS LIBEL, Mr. Lewis's Paper and Discussions on, 45, 76, 85, 144

BOROUGH CORONERS, 815

BRITISH MUSEUM, The, 874

BROUGHAM, LORD, The "British Quarterly" on, 750

— Initiated as a Mason, 167

— In his 82nd year, 912

CALLS TO THE BAR, 31, 244, 632

CAMBRIDGE UNIVERSITY EXAMINATIONS, Subjects for, 274

CANDIDATES WHO PASSED AT THE EXAMINATIONS, 50, 245, 546, 631

CENTRAL CRIMINAL COURT, Commitments at, 324

— Proceedings at, 3, 58, 93, 154, 324, 431, 817, 943

CENTRAL LONDON VOLUNTEER RIFLE CORPS, Forming of, 212, 232

CHADDOCK v. CHADDOCK, Case of, Intervention of Third Party, 231

CHANCERY AMENDMENT BILL, 417, 558

— Creditors under Estates in. See London Gazette.

— DELAYS, 706, 733, 753, 872

— EVIDENCE, Report of Incorporated Law Society on, 292, 312

— EVIDENCE COMMISSION, 172, 637, 797

— EVIDENCE COMMISSIONERS REPORT, 700

— EVIDENCE COMMISSIONERS, Recommendation of, 834, 862

— JUDGE'S CHAMBERS, 898

— ORDERS, 360, 389, 419, 502

— STATISTICS, 132, 136

— UNCLAIMED DIVIDENDS IN, 503

— WITNESSES, 433

CHANCERY, NOTES ON RECENT DECISIONS IN—
139 ACCUMULATIONS—Thellusson Act; payment of Debts, 176 (*Varlo v. Faden*), 8 W. R. 107.
ACQUISITION—See **BANKRUPTCY**.
ADMINISTRATION—Bequest of railway shares; liability of legatee to pay calls, 366 (*Day v. Day*), 8 W. R. 288.
ADVANCEMENT—See **SETTLEMENT**.
ANSWER—See **PLEADING**; **PRACTICE**.
APPEAL—See **PRACTICE**.
BANKRUPT—Deed of arrangement; act of bankruptcy; acquiescence, 156 (*Ex parte Alop*; *Re Rees*), 8 W. R. 106.
 Removal of bankrupt trustee by order of Court, 743 (*Re Bridgman*), 8 W. R. 599.
BILL OF EXCHANGE—Acceptance obtained by fraud; indorsees for value, 39 (*Thiedemann v. Goldmidt*), 8 W. R. 14.
BILL OF REVIEW—Ecclesiastical leases, 620 (*Green v. Jenkins*), 8 W. R. 380.
 See also **PLEADING**.
BREACH OF TRUST—See **LIMITATIONS, STATUTE OF BUILDING LEASE**. See **LEASE**.
CHARGE OF DEBTS AND LEGACIES—Vendor and Purchaser; power of executor to sell, 177 (*Sabin v. Heap*), 8 W. R. 120.
CHARITY—Corporation; Jurisdiction; Trust, 326 (*Dau-gars v. Rivers*), 8 W. R. 225.
 public benefit; uncertainty, 366 (*Thomson v. Shakespear*), 8 W. R. 265.
 See also **MORTMAIN**.
CHARITABLE TRUSTS ACT—Endowment, 255 (*The Corporation of the Sons of the Clergy v. The Trustees of the Stock Exchange*), 8 W. R. 167.
CONFLICT OF LAWS—Concurrent jurisdictions; Scotch and English courts, 197 (*Yennig v. Lloyd*), 8 W. R. 117.
CONTRIBUTORY—See **WINDING-UP**.
CONVERSION—See **WILL**.
CORPORATION—See **CHARITY**.
COSTS—See **LEXACT**; **MORTGAGE**; **PRACTICE**; **RAILWAY COMPANY**; **TRUSTEE RELIEF ACT**; **VENDOR AND PURCHASER**.
DONATIO MORITIS CAUSA—Unindorsed promissory note, 23 (*Veal v. Veal*), 8 W. R. 2.
EAST INDIA STOCK—See **TRUSTEE AND PROPERTY AMENDMENT ACT**.
ENDOWMENT—See **CHARITABLE TRUSTS ACT**.
EQUITABLE MORTGAGE—See **MORTGAGE**.
HUSBAND AND WIFE—Jurisdiction; divorce; marriage settlement, 177 (*Evans v. Carrington*), 8 W. R. 113.
INDENTITY—See **TRUSTEE AND PROPERTY AMENDMENT ACT**.
INSPECTION—See **PATENT**.
INSURANCE—See **TRUSTEE AND PROPERTY AMENDMENT ACT**; **VENDOR AND PURCHASER**.
JOINT STOCK COMPANY—Liability of shareholders; increase of capital, 470 (*Re The Magdalena Steam Navigation Company*), 8 W. R. 329.
JUDGMENT CREDITOR—Trustee's receipt for purchase money; lien of judgment creditor, 307 (*Diamond v. Tracey*), 8 W. R. 207.
JURISDICTION—See **HUSBAND AND WIFE**.
LANDS CLAUSES CONSOLIDATION ACT, 1845—See **RAILWAY COMPANY**.
LANDLORD AND TENANT—See **LEASE**.
LEASE—Covenant in underlease; misrepresentation, 39 (*Pigott v. Stratton*), 8 W. R. 13.
 Landlord and tenant; rent free of all outgoings, 39, 255 (*Parish v. Sleeman*), 8 W. R. 18.
LEGACY—Ademption; Portion; Share of residue, 78 (*Montefiore v. Guedalla*), 8 W. R. 53.
LIMITATIONS, STATUTE OF—Breach of trust; personal representatives, 134 (*Obee v. Bishop*), 8 W. R. 102.
 Mortgage; acknowledgment by tenant in tail, 135 (*Pendleton v. Rooth*), 8 W. R. 101.
 Solicitor and client; acknowledgment of debt, 286 (*Re Hindmarsh*), 8 W. R. 203.
LEXACT—Carriage of commission, 93 (*Re Wood*), 8 W. R. 70.
 Person not found as by inquiry; application of income, 687 (*In re —*), 8 W. R. 339 (*In re Burks*), 8 W. R. 324.

CHANCERY, RECENT DECISIONS IN—(continued)
MERCHANT SHIPPING ACT—Registry; invalid sale, 22 (*Orv v. Dickenson*), 7 W. R. 541.
MORTGAGE—Copolyholders; 17 & 18 Vict. c. 113, Exoner-ation, 726 (*Piper v. Piper*), 8 W. R. 541.
 Rights of equitable mortgagee; suit to realize security, 560 (*Tuckley v. Thompson*), 8 W. R. 308.
 See also **LIMITATIONS, STATUTE OF**; **SOLICITOR**.
MORTMAIN—Charity; reservation of interest to grantor; Church Building Act, 285 (*Fisher v. Brierley*), 8 W. R. 199.
NEXT OF KIN—See **WILL**.
OPENING BIDDINGS—See **VENDOR AND PURCHASER**.
OUTLAWRY—See **PRACTICE**.
PATENT—Right of inspection, 518 (*Enner v. Barwell*), 8 W. R. 300 (*Bennett v. Whitehouse*), 8 W. R. 251 (*Patent Type Founding Company v. Walter*), 8 W. R. 333.
PAYMENT UNDER PROTEST—See **TAXATION**.
PLEADING—Exceptions to answer; scheduled documents, 134 (*Drake v. Symes*), 8 W. R. 85. Bill of Review, 4 (*Noble v. Stow*), 7 W. R. 709.
PRACTICE—Effect of appeal as to staying proceedings, 605 (*Wood v. Farthing*), 8 W. R. 425; (*Monaghan v. Monaghan*), 8 W. R. 430. Motion for decree; right to read answer, 448 (*Stephens v. Heathcote*), 8 W. R. 336. Motion to dismiss; costs, 393 (*Hughes v. Lewis*), 8 W. R. 292. Outlawry, 96, 255 (*Knowles v. The Rhylfedd Colliery Company, Glamorganshire, Limited*), 8 W. R. 159. Revivor; order for executors to account, 59 (*Collard v. Roe*), 8 W. R. 39. Two suits in the same matter, 59 (*Harris v. Gandy*), 8 W. R. 32. See also **Trustee and Property Amendment Act**.
PRIVILEGED COMMUNICATIONS—See **SOLICITOR**.
PROFESSIONAL SERVICES—See **SOLICITOR**.
PROMISSORY NOTE—See **DONATIO MORITIS CAUSA**.
RAILWAY COMPANY—Costs; reinstatement of purchase money, 366 (*Re Benyon's Trusts*), 8 W. R. 253. Costs; abortive attempt to reinvest purchase money, 4 (*Ex parte Eton College*), 7 W. R. 710. Lands Clauses Consolidation Act; costs of adverse litigation, 156 (*Re Cane's Estate*), 8 W. R. 105.
SETTLEMENT—Power of court to introduce clauses, 393 (*Fullerton v. Martin*), 8 W. R. 289. Marriage settlement; advancement clause, 349 (*Lloyd v. Cocker*), 8 W. R. 252.
 See also **HUSBAND AND WIFE**.
SHARES AND SHAREHOLDERS—See **ADMINISTRATION**; **JOINT STOCK COMPANY**; **WINDING-UP**.
SOLICITOR—SOLICITOR AND CLIENT—Executor; professional services, 667 (*Harbin v. Durbey*), 8 W. R. 512.
 double agency; mortgage and mortgagee; payment of mortgage money, 587 (*Wall v. Cockerell*), 8 W. R. 441.
 privileged communications, 647 (*Lewis v. Pennington*), 8 W. R. 465.
 See also **LIMITATIONS, STATUTE OF**.
SPECIFIC PERFORMANCE—Chancery Amendment Act, 1858; damages, 4 (*Collins v. Staley*), 7 W. R. 710.
SUCCESSION (DUTY)—Reversion; vendor and purchaser, 418 (*Cooper v. Truby*), 8 W. R. 299.
TAXATION—Payment under protest, 59 (*Ex parte David*), 8 W. R. 15.
TRUSTEE ACT, 1850, 1852—Vesting order, 23 (*Re Holbrook's Will*), 8 W. R. 3.
TRUSTEE RELIEF AND PROPERTY AMENDMENT ACT—22 & 28 Vict. c. 35; breach of covenant to insure, 432 (*Page v. Bennett*), 8 W. R. 300, 339.
 indemnity to executors against covenants in leases, 349 (*Duncan v. Samwell*), 8 W. R. 252.
 investment in New East India Stock, 39 (*Re The Colne Valley and Halesden Railway Bill*), 8 W. R. 13.
 opinion and direction of court, 780 (*Re Barrington's Estate*), 8 W. R. 577.
 trustee; application to the Court for advice, 307 (*Re Muggersidge's Trust*), 8 W. R. 234.
 investment in Scotland, 78 (*Re Miles' Will*), 8 W. R. 54.
VENDOR AND PURCHASER—Sale by the Court; opening bidding, 95 (*Re Jones's Estate*), 8 W. R. 56.
 specific performance; execution of power; consent of trustee; non-production of deeds, 218 (*Offen v. Harman*),

CHANCERY, RECENT DECISIONS IN—(continued)

8 W. R. 129. Specific performance; insurance, 197 (*Douglas v. Solomon*), 8 W. R. 123. See also SUCCESSION DUTY; CHARGE OF DEBTS. WASTE—Right to timber cut by tenant for life, 95 (*Genl v. Harrison*), 8 W. R. 57. Will—Gift to A. and her children; rule in (*Wild's case*), 239. (*Audley v. Horn*), 8 W. R. 150. Conversion; money to be laid out in land; next of kin, 215. (*Reynolds v. Godlee*), 8 W. R. 147. WINDING-UP—Joint Stock Companies Acts, 1848, 1856, 1857; contributory; married women, 96, 417. (*Re the Northumberland and Durham Bank; Ex parte Luard*), 8 W. R. 73, 297. Transfer to escape liability, 78; *Re the Mexican and South American Company; Ex parte Hyams*, 8 W. R. 52. Statute of Limitations, 366; *Re Royal Bank of Australia*, 8 W. R. 269. CHAIRMAN'S ADDRESS AT THE ANNUAL MEETING OF THE METROPOLITAN AND PROVINCIAL LAW ASSOCIATION, 922.

CHARITABLE TRUSTS, discussion on V.C. Wood's paper on, 191, 222.

CHARITABLE USES, 393, 514.

CHEQUES AS BILLS OF EXCHANGE, 535.

CIRCUITS, THE, 33, 51, 207, 245, 633, 672.

CIVIL SERVICE ESTIMATES, judicial department, 569.

CODIFICATION OF LAW IN AMERICA, 838.

THE STATUTES, Lord Brougham on, 894.

COINAGE OFFENCES, 583.

COLLISION AT SEA, 15.

COLLEY v. CHAPMAN, Case of, Action for moneys received by solicitor as agent for executor, 409.

COLONIAL STATISTICS, 806, 856.

COMMISSIONERS TO ADMINISTER OATHS, caution to 768.

COMMON LAW COMMISSIONERS, Third Report of, 299, 319, 327, 380.

Courts and equitable jurisdiction, 564.

business in, 176, 457, 601.

pleadings, 659.

COMMON LAW, NOTES ON RECENT DECISIONS IN—

APPEAL, Poor-rates, 21 & 22 Vict. c. 43, s. 2; case stated by magistrates, 606 (*Wheeler, Appellant, v. Churchwardens, &c., of Birmingham*), 8 W. R. 412 (*Quick, Appellant, v. Churchwardens, &c., of St. Ives*), 8 W. R. 414.

See also PRACTICE.

ARBITRATION—Costs to abide event of award, 502 (*In re Marsack and Webber*), 8 W. R. 306.

Award; reference to lay arbitrator, 394 (*Proctor v. Williams*), 8 W. R. 190.

See also PRACTICE.

ATTORNEY—Articled clerk; want of due entries in the judge's books excused, 800 (*Ex parte Waller*), 8 W. R. 563.

Articled clerk; enrolment of articles; *nunc pro tunc*, 800 (*Ex parte Arthur Lee*), 8 W. R. 641.

Admission of, after term time, 765 (*Ex parte Thomas*), 8 W. R. 622.

Application to stamp, &c. abandoned articles, 705 (*Ex parte Parker*), 8 W. R. 460.

See also PRACTICE.

ATTORNEY AND CLIENT—Champerly, 449 (*Anderson v. Radcliffe*), 8 W. R. 283.

Practice; motion against attorneys, 800 (*Re — Attorneys*), 8 W. R. 650.

ACQUITTAL—Practice; amendment under Common Law Procedure Act, 1852, s. 222; 240 (*Wardlaw v. Harrison*), 8 W. R. 95.

BANKRUPT—Arrangement clauses; protection-order, &c.; 13 & 13 Vict. ss. 142, 178, 211 (*Shawin v. Boyce*, &c.; 40; *Boyd v. Langlands*, 60; *Williams v. Dray*, 449; *Thomas v. Hopkins*, &c.; *Blunt v. Cotterill*, &c.).

Arrangement clauses; acquiescence, 156 (*Ex parte Abop; Re Reed*), 8 W. R. 106.

See also CRIMINAL CASES RESERVED; FICTITIOUS.

BASTARDY—Affiliation order; 7 & 8 Vict. c. 101; 649 (*Tollit v. Kirtland*), 8 W. R. 434.

Affiliation order; 7 & 8 Vict. c. 101, 727 (*Hodges v. Bennett*), 8 W. R. 463.

BILLS OF EXCHANGE—Law as to negotiability of cheques, 727 (*Keens v. Beard*), 8 W. R. 469.

Law as to cheques; Summary Procedure Act, 1850, 705 (*Eyre v. Waller*), 8 W. R. 450.

COMMON LAW, RECENT DECISIONS IN—(continued)

BILLS OF EXCHANGE—Practice; sufficiency of stamp, 251 (*Hair v. Grou*), 8 W. R. 79.

BILLS OF SALE—Registration of; construction of 17 & 18 Vict. c. 36; 239 (*Picard v. Brett*), 8 W. R. 90.

CONTRACT—Conditions precedent; sale of goods; time, 216 (*Hoare v. Resmie*), 8 W. R. 80.

Witness failing to attend trial; proceeding by attachment or action, 432 (*Yeatman v. Dempsey*), 8 W. R. 219.

CONVICTION—Master and servant; 6 Geo. 4, c. 129, s. 3, 96 (*Ex parte Pearson*), 8 W. R. 44.

CORONER—Power to take a second inquisition, 800 (*Reg. v. White*), 8 W. R. 580; (*Reg. v. Herford*), 8 W. R. 579.

CORPORATION—Action for malicious wrong, 239 (*Green v. London General Omnibus Company*), 8 W. R. 88.

COSTS—Practice; payment into court of part of sum claimed; security for costs, 688 (*Harrold v. Smith*), 8 W. R. 447; (*Whitall v. Campbell*), 8 W. R. 430; (*Chapman v. Watt*), 8 W. R. 450.

in arrest of judgment, 668 (*Whaley v. Ling*), 8 W. R. 439.

Practice; right of unsuccessful defendant to have plaintiff's costs taxed, 394 (*Baker v. Saunders*), 8 W. R. 190.

Practice; defendant's costs in preparing for trial, 367 (*Cooper v. Byles*), 8 W. R. 182.

Practice; costs of the day; mutual default, 433 (*Warne v. Hill*), 8 W. R. 236.

Practice; security for costs; interpleader, 367 (*Ridgway v. Jones*), 8 W. R. 185.

Practice; taxation, higher and lower scale; tender and payment into court, 668 (*James v. Vake*), 8 W. R. 446.

See also ARBITRATION; PRACTICE.

COUNSEL, LIABILITY OF—Effect of going beyond their authority, 780 (*Swinfen v. Lord Chelmsford*), 8 W. R. 545.

See also PRACTICE.

COUNTY COURT—Signing special case of appeal (*Hacking v. Lee*), 8 W. R. 495.

Residue of plaintiff, 9 & 10 Vict. c. 95, s. 128; 470 (*Kerr v. Haynes*), 8 W. R. 277.

Foreign process, 40 (*Newcombe v. De Ros*), 8 W. R. 5.

CRIMINAL CASES RESERVED—Accessory before the fact instead of principal, 433 (*Reg. v. Hughes*), 8 W. R. 195.

Bankruptcy; concealment of extravagance, 79 (*Reg. v. Ingham*), 8 W. R. 28.

Conspiracy to cheat; animus of prosecutor not material, 621 (*Reg. v. Hudson and Others*), 8 W. R. 421.

Construction of 14 & 15 Vict. c. 19, s. 11, and 9 Geo. 4, c. 69; 286 (*Reg. v. Sanderson*), 8 W. R. 421.

Embezzlement; bailee under 20 & 21 Vict. c. 54; 308 (*Reg. v. Hoare*), 8 W. R. 423.

Evidence; dying declaration; rule as to admissibility of, 621 (*Reg. v. Hind*), 8 W. R. 421.

False pretences; obtaining change for bank note which had been stopped 156 (*Reg. v. Evans*), 8 W. R. 48.

False pretences; puffing wares sold, 394 (*Reg. v. Goss*), (*Reg. v. Ragg*), 8 W. R. 193.

Husband and wife; coercion by husband, 432 (*Reg. v. Wardroper*), 8 W. R. 217.

Immaterial averments in indictments; amendment of under 14 & 15 Vict. c. 100; 198 (*Reg. v. Westley*), 8 W. R. 63.

Pleading; immaterial averments in indictment, 349 (*Reg. v. Huntley*), 8 W. R. 183.

Practice; depositions; necessity for caption, 286 (*Reg. v. Newton and Carpenter*).

PANAGE—Practice; law of execution; payment to bailiff, 177 (*Hemming v. Hole*), 8 W. R. 46.

Distress—Responsibility of landlord's agent, 502 (*Bennett v. Boyce and Others*), 8 W. R. 320.

No action lies for a mere threat, 587 (*Heck v. Denbigh*), 8 W. R. 392.

Payment to man in possession, 193 (*Bottom v. Reynolds*), 8 W. R. 62.

See also LANDLORD AND TENANT; SHERIFF.

COMMON LAW, RECENT DECISIONS IN—(continued)

EVIDENCE—Effect of release by a co-plaintiff, 198 (*Robinson v. Vernon*), 8 W. R. 47

See also CRIMINAL CASES RESERVED

FALSE IMPRISONMENT—Action for; nature of a "search warrant," 502 (*Wyatt v. White*), 8 W. R. 307

FRAUDS, STATUTE OF—Guarantee, 96 (*Williams v. Lake*), 8 W. R. 41

FIXTURES—Law of; bankruptcy, 308 (*Walmsley v. Milne*), 8 W. R. 138

HIGHWAY—Power of surveyors over private property, 79 (*Sutcliffe v. The Surveyors of the Highways of Sowerby*), 8 W. R. 40

HUSBAND AND WIFE—Constables refusing to arrest without warrant. Vagrant Act, s. 6: 587 (*Horley v. Rogers*), 8 W. R. 392

See also CRIMINAL CASES RESERVED.

INSOLVENCY—Difference between insolvency and bankruptcy law; leases, 286 (*Bishop v. Trustees of the Bedford Charity*), 8 W. R. 115

Discretion of county court judge; 19 & 20 Vict. c. 108, s. 45: 5 (*In re Cobbett*).

Law of; new securities, 135 (*Payne v. Morton*), 8 W. R. 45

INSURANCE—Law of; Suppression of immaterial facts, 79 (*Perrins v. The Marine and General Travellers Insurance Company*), 8 W. R. 40

LANDLORD AND TENANT—Cancellation of lease; Action for rent, 349 (*Lord Ward v. Lumley*), 8 W. R. 184

Distraint of goods of stranger on premises, 471 (*Foulger v. Taylor*), 8 W. R. 279

See also DISTRESS.

LIGHTING AND PAVING—Appeal from rate, 606 (*Quick and others v. Churchwardens, &c., of St. Ives*), 8 W. R. 414

LIMITATIONS—Statute of; acknowledgment of debt, 60 (*Comforth v. Smithurst*), 8 W. R. 8

MARRIAGE—Breach of promise of; law as to; excuse for non-performance, 326 (*Hall v. Wright*), 8 W. R. 161

Pre-engagement of plaintiff no defence, 471 (*Beachey v. Brown*), 8 W. R. 292

MASTER AND SERVANT—Dismissal; objections to pleadings; aid by pleading over, 780 (*Horton v. M'Murtry*), 8 W. R. 828

Law as to; actions for injuries, 765 (*Potts v. The Port Carlisle Dock and Railway Company*) 8 W. R. 524

Negligence of fellow-servant, 349 (*Abraham v. Reynolds*), 8 W. R. 181

"Res judicata pro veritate accipitur," 538 (*Houtledge v. Hupol*), 8 W. R. 363

4 Geo. 4, c. 34, s. 3; construction of, 96 (*Ashmore v. Horton*), 8 W. R. 43

Absenting from service, 60 (*Rider v. Wood*), 8 W. R. 23

See also CONVICTION.

METROPOLITAN BUILDING ACT—Proper rule for construction of statutes, 216 (*Stevens v. Gourley*), 8 W. R. 85

MUNICIPAL LAW—156 (*The Corporation of Liverpool v. Wright*), 7 W. R. 728

NEGLECT—Law as to liability for negligence of others, 394 (*Wahworth v. Barton*), 8 W. R. 190

See also MASTER AND SERVANT; RAILWAY.

PAWNBROKER—How far liable for goods stolen from them, 60 (*Shackell v. West*), 8 W. R. 22

PERJURY—Offence of; not actionable; remoteness of damage, 638 (*Fitzjohn v. Mackinder*), 8 W. R. 341

PLEADING—Equitable pleading; effect of giving time to principal, 79 (*Taylor v. Burgess*), 8 W. R. 27

Equitable pleadings; when they will not be allowed, 765 (*Schlumberger v. Lister*), 8 W. R. 523

Plea of judgment recovered for the same cause; equity of, 726 (*Barber v. Lamb*), 8 W. R. 461

Rules of; ambiguous pleas, 394 (*Honey v. Stubbs*), 8 W. R. 188

See also CRIMINAL CASES RESERVED

POOR—Parochial settlement of articulated clerk; 3 & 4 Will. & M. c. 11, s. 8: 744 (*Churchwardens, &c., of St. Pancras v. Churchwardens, &c., of Clapham*), 8 W. R. 493

PRACTICE—Action against British subjects out of the jurisdiction; 15 & 16 Vict. c. 76: 4 (*Binet v. Picot*)

COMMON LAW, RECENT DECISIONS IN—(continued)

PRACTICE—Affidavits; time for motion for new trial, 96 (*Wingate v. Dunn*), 8 W. R. 43

Appeal; Common Law Procedure Act, 1854, s. 32; error in a special case, 800 (*Howell v. London Dock Co.*), 8 W. R. 562

Arbitration; error in a special case; 17 & 18 Vict. c. 123, ss. 5, 32: 649 (*Gunn v. Fowler*), 8 W. R. 437

Assignment of securities; construction of Mercantile Law Amendment Act; 19 & 20 Vict. c. 97, s. 5 561 (*Phillips v. Dickson*), 8 W. R. 390

Certificates for costs; Laches of counsel, 605 (*Heden v. The Atlantic Mail Steam Navigation Co.*) 8 W. R. 410

Confession, costs on; plea puis darreign continuance, 745, (*Bennett v. The London & North Western Railway Co.*), 8 W. R. 500

PRACTICE—Ejectment; Common Law Procedure Act, 1852, ss. 55, 152: 418 (*Whitworth and Another v. Humphries and Others*), 8 W. R. 215

Execution; expenses of prior writs; 726 (*Selbury v. Ray*), 8 W. R. 462

Execution; relation between attorney and agent, 800 (*Withers v. Parker*), 8 W. R. 550

Garnishee; Common Law Procedure Act, 1854, s. 64: 600 (*Wise v. Birkinshaw*), 8 W. R. 420

Inspection of documents; abolition of *proferi and oyer*; Common Law Procedure Act, 1852, ss. 55, 172: 418 (*Penarth Harbour Company v. The Cardiff Waterworks Company*), 8 W. R. 215

Joinder of parties; law as to, 561 (*Holden v. Ballantyne*), 8 W. R. 390

Law of attorney and client; point reserved, 418 (*Ellis v. Marriott*), 8 W. R. 192

Notice of action; 7 & 8 Geo. 4, c. 30; arrest on Sunday, 308 (*Jones v. Howell*), 8 W. R. 151

Outlawry, reversal of, 367 (*Smith v. Bromley*), 8 W. R. 186

Payment under judge's order when the day falls on a Sunday; when to be made, 156 (*Morris v. Barrett*), 8 W. R. 45

Prochein amy; retainer of attorney, 744 (*Colins v. Brook*), 8 W. R. 474

Staying proceedings; foreign action for same causes, 177 (*Cox v. Mitchell*), 8 W. R. 45

See also ATTORNEY AND CLIENT; AUCTIONEER; BILLS OF EXCHANGE; COSTS; CRIMINAL CASES RESERVED; DAMAGES.

PRINCIPAL AND AGENT—Undisclosed principal; caveat emptor, 256 (*Ramazzotti v. Bowring*), 8 W. R. 114

RAILWAY—Liability for accidents; mutual negligence, 40 (*Haigh v. The L. & N. W. Railway Company*), 8 W. R. 6

SEDUCTION—"Volenti non fit injuria," 135 (*Thompson v. Ross*), 8 W. R. 44

SHERIFF—Execution; liability of attorney to sheriff; indorsement of *fi. fa.*, 519 (*Childers v. Wooler and another*), 8 W. R. 321

Liability of; return to *fi. fa.*, 286 (*Levi v. Hale*), 8 W. R. 126

SLANDER—Grounds of; special damage, 688 (*Alsop and wife v. Alsop*), 8 W. R. 449

WATER—Law as to right to underground water, 327 (*The New River Company v. Johnson*), 8 W. R. 179

COMMON PLEAS REGISTRY OFFICE, improved method of indexing; 369.

COMPENSATION FOR LOSS INCURRED IN PURCHASE OF HOUSE SUBSEQUENTLY DISCOVERED TO BE MORTGAGED; 556

COMPROMISE OF ACTION BY A SOLICITOR, action for, 850.

CONCENTRATION OF THE LAW COURTS AND OFFICES, 53, 695, 715, 735, 753, 759, 847, 904.

Commissioners Report, 715, 736.

CONFESSION TO ROMAN CATHOLIC PRIEST BY PRISONER IS NOT RECOGNIZED AS PRIVILEGED IN CRIMINAL CASES, 342, 357, 363.

CONFLICT OF THE LAW OF DIVORCE IN ENGLAND AND SCOTLAND, 617.

CONSOLIDATED CHANCERY ORDERS, The, 191, 201.

CRIMINAL LAW BILLS, 252, 336, 765.

CONTEMPT OF COURT, Committal for, 793.
 CONTRACT NOTES OF BROKERS NOT LIABLE TO
 STAMP DUTY, 888.
 CONVICT ESTABLISHMENT AT BERMUDA, The, 764.
 CONVEYANCING AND REGISTRATION OF ASSUR-
 ANCES IN SCOTLAND, 288, 310, 332, 370, 435.
 — BY REFERENCE TO ACTS OF PARLIAMENT,
 217.
 — CHARGES IN SCOTLAND, 935.
 — COSTS, Questions on, 622, 650.
 — COSTS, Scale of, 158.
 — TO OR BY A FEME COVERT, 910, 922, 936.
 COPIES OF DOCUMENTS IN CHANCERY, 287, 471.
 CORONERS BILL, 325, 344, 582, 742, 777.
 — BOROUGH, 815.
 — DUTIES OF, traced to a very early period, 396, 539.
 — INQUESTS, 897.
 — JURYMEN, 802.
 — REMUNERATION OF, 569.
 CORPORAL PUNISHMENT STATISTICS, 806.
 CORRESPONDENCE—
 Accountant General's Cheques, 396.
 — Office, the, 471.
 Affidavit, description of deponent, 622, 649.
 Appeals in Criminal Cases, 257.
 Appointments of Rent, 910, 922, 937, 945.
 Attorneys' Certificates, 308, 350, 368, 622.
 — and their Agents, 884, 898, 910.
 — and Solicitors Bill, 287, 350, 367, 396, 502, 745, 801.
 Auctioneers Right to Receive Deposit, 872, 883.
 Barony by Tenure, the Berkeley Case, 781.
 Bar Etiquette, 955.
 Barristers and Attorneys, 368.
 Bills of Exchange, "Notice of Dishonour," "Value Re-
 ceived, &c., 144, 539, 561, 606.
 Bills of Exchange Act, 852, 873, 894.
 Chancery Delays, 706, 872.
 — Judges' Chambers, 898.
 — Order, the New, 419.
 Orders in, 502.
 — Witnesses, 433.
 Common Pleas Registry Office, Improved Method of In-
 dexing, 369.
 Commissioners to Administer Oaths in Common Law, 419.
 Consolidated Chancery Orders, the, 201.
 Conveyancing by reference to Acts of Parliament, 417.
 — Charges in Scotland, 935.
 — Charges, Scale of, 158.
 — Costs, Questions on, 622, 650.
 — to, or by a FEME COVERT, 910, 922, 936.
 Copies of Documents in Chancery, 287, 471.
 Coroners Jurymen, 802.
 Costs, Scale of, 588, 606.
 Counsel, Duties of, 802.
 Country Agency, 935.
 Country Solicitor's Union, 369.
 County Courts, Attorneys' Costs, 369.
 — Court Costs, 562, 588.
 — Court Delay, 852.
 — Court Practice, 621, 669.
 Criminal Prosecutions, New Scale of Costs, 781.
 Deputy Chief Clerks, 330, 350, 369, 450, 503, 898.
 Distraint for Rents, Brokers Charges, 910.
 Divorce Court, The, 329.
 "Do the Decisions of the House of Lords bind the House
 itself?" 419, 450.
 English Probate and Irish Property, 488.
 Equitable Mortgages, 954.
 — Defences and Replications at Common Law, 935.
 Examinations, the, 26, 520, 649.
 Executors, Power of, 539, 562.
 French Law, English Stamp Act (1860), 872.
 — Tribunals and English Debtors Resident in France,
 606, 622.
 Fusion without Confusion, 364.
 Guildhall Justice Room, 606.
 Insolvent Railway Companies, Sale of Land, 869.
 Interest by way of Damages on admitted Demands, 622,
 649.
 — on Cheques, 706.
 Joint Stock Companies Act, 7 & 8 Vict. c. 110, 898.

CORRESPONDENCE—(continued)
 Judges Chambers, 257, 649, 873.
 — Business in, 840.
 Judgments, Registry of, 801, 864, 940.
 Judicial Committee of the Privy Council, the, 419.
 Land Registry Scheme, the, 179.
 Law List, the, 801, 823, 865, 873, 884, 898.
 Law Lords, the, 873.
 Law University, Scheme for, 649.
 Law of Counsels Retainer, the, 743, 766, 781.
 — Property Act, 802, 921.
 — Amendment Bill, 257.
 — and Trustee Relief Act, 7, 143, 217.
 — Stamps, Proposed Alteration in, 329.
 Law Papers by Book Post, 562.
 Lawyers and Law Reform, 256.
 Legal Benefit College, a, 622.
 Legal Honours, 25.
 Legislative Blunder, a, 83.
 Letter Carriers, Liability of, 745, 765.
 Liability of Shareholders in Joint Stock Companies, 98.
 Liverpool Merchants, The Four, 99.
 Lord Cranworth's Trustee and Mortgagees Act, 872.
 — Henry Seymours Will, 538.
 — St. Leonards' Act, 22 & 23 Vict. c. 35, 419.
 — on the Strike, 100.
 Lords Justices, the, 855, 935.
 Magistracy, Paid or Unpaid, 8.
 Manorial Customs, 945.
 Manors, Stewards of, 217.
 Married Women, Acknowledgment of Deeds by, 330, 781.
 Mercantile Law Amendment Act, 898.
 New Probate Court Affidavit, 588.
 Oakeley v. Ooddeen, Case of, 124.
 Privy Council and the Chancery Judges Chambers, 706.
 Probate Fees, 83, 99.
 — and Legacy Duties, 143, 158, 179, 200, 309.
 — Duty, Reversion of, 395.
 Professional Delinquencies, 123.
 — Remuneration in France, 669.
 Public Prosecutor, a, 26.
 Registration Act, the, 257.
 Remuneration of Witnesses in Criminal Cases, 622, 699.
 Search for Incumbrances, 99.
 Solicitor's Charge on Application for a Debt, 398, 910.
 — Charges against Solicitors, 520.
 — Clerks' Volunteer Rifle Corps, 100.
 — Education of, Oxford Experiences, 99.
 Special Juries, 124.
 Stamp Duties on Settlements, 520.
 Sutor's Fund and the Profit Fund, 840.
 Superstitious Uses, 898.
Suum Cuique, 258.
 Taxing-Master, The New, 539.
 Trade Protection Societies, 539, 562.
 Transfer of Land in Australia, 124.
 Ubiquity, The Vice of, 561.
 University and Law Matriculations, 330.
 Vestry Meetings, Right of the Incumbent to preside at,
 369.
 "What may we do with our own?" 936, 945.
 Women, Acknowledgments of, 781.
 — to Practice as Attorneys, Admission of, 309.
 CORRUPT PRACTICES AT ELECTIONS, Mr. Phipps's
 paper on, 241, 252.
 BILL, 238, 251, 255.
 STATISTICS, 806.
 COSTS, Cases of, 409, 535, 642, 643.
 — OF BANKRUPTCY, 298.
 — OF CRIME, 195.
 — ON THE HIGHER SCALE, taxation of, 633.
 — scale of, 588, 606.
 COUNSEL, duties of, 432, 802.
 — responsibility of, 679.
 COUNTRY AGENCY, 935.
 — SOLICITORS' UNION, the, 369.
 COUNTY COURTS: Attorney's costs, 369.
 — Costs, 562, 588.
 — Delay, 852.
 — Parliamentary Discussion on, 777, 820.
 — Practice, 621, 669.
 COURT PAPERS—
 HOUSE OF LORDS AND PRIVY COUNCIL, 226.

COURT PAPERS—(continued)

EQUITY SITTINGS, 50, 127, 245, 275, 295, 315, 335, 353, 374, 421, 439, 458, 479, 570, 591, 611, 632, 651, 958

COMMON LAW SITTINGS, 15, 33, 70, 128, 167, 188, 206, 227, 246, 401, 439, 479, 507, 525, 547, 570, 591, 612, 632, 653, 672, 692, 939, 958

PROBATE AND DIVORCE, 147, 480, 571, 592, 612, 960

COURTS OF APPEAL, 943, 951

CRIMINAL LAW CONSOLIDATION, 252, 536, 765, 791

PROSECUTIONS, 734, 757, 772, 781

STATISTICS, 542, 689, 844

STATUTES REPEAL, 558

TRIALS, assimilation of procedure in, 811

CRIMINALS OF UNSOUND MIND, the *Lancet* on the disposal of, 855

CROWN LANDS AND DEBTS, 777

CURIOUS CASE, A, 14

CURRENT TOPICS—

Abolition of Masters in Chancery Bill, 231

Administration of Oath of Allegiance to the Inns of Court Volunteer Rifle Corps, 174

Answers in Chancery, printing of, 55

Anomalies in the administration of the Law in the Divorce Court, 131

Appointments and Vacancies, 75, 91, 358, 425, 443, 484

Appointment of Mr. Raffles as Stipendiary Magistrate at Liverpool, 211

— of Mr. James Stephen as Recorder of Poole, 859

— of Mr. Shadwell as Taxing Master, 511

— of Mr. Whigham as successor to Mr. Koe, 879

Assimilation of Procedure in Criminal Trials, 811

Assigning causes in Equity by rotation, 174

Assize Courts at Guildford, the, 811

Attorneys and Solicitors Bill, the, 231, 251, 319, 339, 531

Attorneys and Solicitors Act; regulation for renewal of certificates, 943

Bankruptcy Bill, the, 357, 531, 551, 695, 713, 734

Bankruptcy Law Amendment, 932

Barristers' Clerks acting as Attorneys, 55

Bills in Parliament, 171, 211, 234, 251, 279, 299, 385, 425, 617, 695, 713, 791, 811, 831

Business in Chancery, 111, 951

— the Common Law Courts, 951

Chaddock v. Chaddock, Case of; Divorce, 231

Chancery Evidence Bill, the, 791

— Commissioners' Report, 172, 637

Charitable Trusts, 191

Cioeci v. Cioeci, Case of; Divorce, 279

Commencement of the Long Vacation, 753, 771

— of Michaelmas Term, 951

Commitment of Roman Catholic Priest, Kelly's Case, 357

Common Law Commissioners' Report, 299

Concentration of Law Courts and Offices, 55, 695, 714, 832, 847, 904

Corrupt Practices Act, 1854, Amendment of, 191, 251

Costs of County Court procedure to the country, 831

— in Criminal Trials, 811

— of preparing the Reform Bill of 1858, 831

Countersigning cheques issued by the Accountant-General, 385

Creditors pursuant to the Act 22 & 23 Vict. c. 35, s. 39, 151

Criminal Law Consolidation Bill, the, 791

Decrease of Crime, 405

Delay in the Registrar's Court, Case of Mr. C. E. Lewis, 733, 753

Dr. Angus Smith on Scientific Witnesses, 191

Employment of Detectives in Divorce Cases, 131

Evelyn, Mr., and Mr. Justice Blackburn, 791

Executive notices under Lord St. Leonard's Act, 405

Ford, Mr. W., on the Bankruptcy Bill, 677, 695, 713

Gloucester Election Inquiry, the, 37

Hatch, Mr., Case of, 132

Headlam, Mr., on the National Defences, 657

Hughes, David, Case of, 151, 171

Illustration of "Actio personalis moritur cum persona," Davidson v. Tulloch, 385

Incorporated Law Society's Report, 859

Inns of Court Rifle Corps, the, 37, 174, 406, 771, 904

Inspector of Prisons Report, 637

International Statistical Congress, Meeting of, 734

Investment of Trust Funds in New East India Stock, 1

CURRENT TOPICS—(continued)

Joint Stock Banking Companies Bill, withdrawal of, a

196, of, 551.

Judicial Statistics, 915.

Jury Lists, inaccuracy of, 915.

Law Amendment Society, Annual Meeting of, 677.

Law Association, Annual Meeting of, 531.

Law of General Average in England, France, and America, 871.

— Property Bill, 234, 357, 551, 695.

Legal relation of Attorney and Agent, 847.

Legislation of the Year, the Lord Chancellor on, 831.

Liability of Volunteers to pay Toll, 405.

Liverpool County statistics, 597.

— Merchants, the, 75, 91.

Local Equity Jurisdiction, the Upper Canada *Law Journal* on, 131.

Lord Brougham as a Plaintiff in action for libel, 1.

Lord Chancellor's written Judgments, the, 385, 771.

Lord Palmerston's visit to the site of the proposed new Law Courts, 847.

Lord St. Leonard's last Law of Property Act, Mr. Kennedy's observations on, 931.

Marine Store Dealers' Bill, the, 695.

Metropolitan and Provincial Law Association, Annual Meeting of, 903, 915.

Mode of conducting Business in Judge's Chambers, the *Law Magazine* on, 575.

New East India Stock, the, 19.

Non-attendance of retained Counsel, 132.

Ogilvie v. Jeaffreson, Case of, Solicitor and Client, 811.

Paper Duty Repeal, 575.

Payment of the Statute Law Commission, 831.

Pleading guilty by advice of Chaplain, 111.

Pressure of business in the Common Law Courts, 55.

Primogeniture and Entail Laws, abolition of, 931.

Private view of the Exhibition of the Royal Academy, 511.

Prize Fights, 463.

Probate Court returns, 657.

Probate Registry, the, 443.

Progress of Legislation, 831.

Promotion of County Court Judges to the Superior Courts, 771.

Proposal for a Law University, 397.

Proposed assimilation of the Bankruptcy Folio to the ordinary Standard, 657.

Province of Legislation, 299.

Queen's Counsel in Courts of Equity, 637.

— Speech, the, 211.

Rapid disappearance of Business in the Scottish Parliament House, 131.

Reinstatement of Mr. Lushington Phillips as Puisne Judge at Port Natal, 463.

Results of the Session in Law Reform, 847.

Retirement of Mr. H. F. Bristowe as Equity Editor of the *Weekly Reporter*, 319.

Rowley v. Rowley, Case of, 151.

Rules in the Sheriffs Court, 951.

Sir J. Romilly, as a Candidate for the University of London, 551.

Smethurst's Case, 19.

Social Science Meeting at Glasgow, the, 791, 879, 891, 903, 916, 932.

Solicitors' Benevolent Association, the, 443, 801, 915.

Special Jurors, 75.

Suitors' Fund, the, and the Suitors' Profit Fund, 632.

Swinfen Case, the, 1.

Testimonial to Mr. Watts, Painter of the Lincoln's Inn Hall fresco Picture, 483.

Tobemory Case, the, 76.

Town Clerk's Fees, 484.

Trial by Jury in Chancery, 171.

Two prosecuting Counsel in one Case, disputed *locus standi*, 879.

Volunteer Movement, the, 212, 234.

Wallington v. Wright, the Warwick Case, 1.

DEBTORS AND CREDITORS ACT AMENDMENT, 778

DEFENCES OF THE KINGDOM COMMISSION, The

DEPUTATION TO THE PREMIER ON BANKRUPTCY

LAW REFORM, 41

- DEPUTY CHIEF CLERKS, 231, 239, 250, 283, 450, 503,
 DISCUSSION ON PAPERS READ AT THE ANNUAL
 MEETING OF THE METROPOLITAN AND PRO-
 VINCIAL LAW ASSOCIATION, 263
 DISTRAINT FOR RENT, *Broker's charges*, 910
 DIVORCE BILL AND THE QUEEN'S PROCTOR, 443
 Court, The, 329, 391, 467, 495, 514, 582, 838, 840
 — Equities of, 340
 DOMICILE, Law of, execution of wills, 465
 "DO THE DECISIONS OF THE HOUSE OF LORDS
 BIND THE HOUSE ITSELF?" 389, 419, 450
 EARLDOM OF WILTSHIRE, Claim to, 452
 ECCLESIASTICAL COURTS JURISDICTION, 537
 — statistics, 855
 EDUCATION OF CHILDREN EMPLOYED IN MANU-
 FACTURES, 645
 ELECTION EXPENSES, 175
 EMIGRATION STATISTICS, 692, 856
 ENDOWED CHARITIES, 619, 778, 833
 ENGLISH BANKRUPTS AND THE SCOTCH SEQUE-
 STRATION ACT, 114
 ENGLISH FUNDS. See *London Gazette*.
 — Probate and Irish Property, 588
 EQUITY PRECEDENTS, 826
 — Common Law, 444
 EQUITABLE DEFENCES AND REPLICATIONS AT
 COMMON LAW, 935
 — Mortgages, 954
 EVANS, GEORGE MONTAGU, Case of, 430
 EVIDENCE IN CHANCERY, 2, 172, 292, 319, 637, 700,
 797, 834, 862
 — American opinion on, 122
 — In Law and Equity, 771, 792
 — Law of, 684
 — In Criminal Cases, 696
 EXAMINATIONS, The, 26, 520, 649
 Address of Master Walton at, 522
 Candidates who passed, 50, 546, 631
 Prizes at, 49, 244, 546, 631
 Questions, Michaelmas Term, 81
 — Hilary Term, 224
 — Easter Term, 523
 — Trinity Term, 630
 Rules for, 146, 456, 590, 948
 EXAMINATION OF STUDENTS OF INNS OF COURT,
 14, 206, 774
 — Prizes at, 14, 206, 611
 EXAMINATION OF WITNESSES IN EQUITY, 201, 218
 EXCISE PROSECUTION STATISTICS, 570
 EXECUTORS, Power of, 539, 569
 EXTRAORDINARY DIVORCE CASE AND CHARGE
 OF FORGERY IN FRANCE, 163
 FALSE CHARGE MADE AGAINST MR. TOPHAM, OF
 BEDALE, 58
 FELONY AND MISDEMEANOUR BILL, 743
 FIRE INSURANCE, Hymns on, 119
 FOREIGN BILLS OF EXCHANGE, Important decision as
 to, 850
 FOREIGN TRIBUNALS, 161, 180, 201, 218, 261, 289, 311,
 371, 398, 421, 436, 451, 472, 503, 520, 541, 563, 607,
 690, 746, 804, 825, 841, 853, 866, 875, 884, 911, 927, 937
 FORGED NOTES AND SPURIOUS COIN STATISTICS,
 876
 FOX v. WILLIAMS, Action for libel, 795
 FRAUDULENT TRADE MARKS, 9, 837
 FRAY v. VOULES, Case of, 793, 817
 FRENCH LAW, English Stamp Act, 1860, 672
 — Tribunals and English debtors resident in France, 606,
 622
 FUSION OF LAW AND EQUITY, 232, 303, 559
 — without confusion, 394
 GAME LAW CASE, a, 674
 GRAMMAR SCHOOLS, 407
 GUILDFORD ASSIZE COURTS, The, 911, 820
 GUILDHALL JUSTICE ROOM, The, 606
 — Mr. Deputy Lott's paper on, 453
 HALF NOTES LOST BY TRANSMISSION THROUGH
 THE POST, Action for recovery of, 481
 HEAD v. GODLEE, Case of, 173
 HEARING CAUSES IN PRIVATE, 3
 HEIRS-AT-LAW AND NEXT-OF-KIN. See *London
 Gazette*, 132, 675, 678, 684, 685, 687, 688
 HISTORICAL PAPERS, Discovery of, 458
 HUDDERSFIELD TENANT RIGHT QUESTION, The,
 871
 HUSBAND AND WIFE RELATION LAW AMENDMENT
 (SCOTLAND) BILL, 628
 ILLEGAL ISSUE OF NOTICES OF PROCESS, 490
 MARRIAGES, 174
 INCREASE OF CHIEF CLERKS, 361
 INDIAN SECURITIES, 888
 INDICTABLE OFFENCES BILL, 308
 INDISPUTABLE POLICES, 456
 INNER TEMPLE CHAMBERS, The, 70
 INNOCENT CONVICTS, 106
 INNS OF COURT RIFLE CORPS, 27, 29, 178, 197, 240,
 341, 406, 457, 547, 771
 INQUIRY OFFICES, Objections to by Sir C. Crosswell,
 131
 INSURANCE OFFICES AND DAYS OF GRACE, 932
 INTERNATIONAL LAW, Some questions of, 552, 897
 — STATISTICAL CONGRESS, Meeting of, 734
 INTEREST BY WAY OF DAMAGES ON ADMITTED
 DEMANDS, 622, 649
 — ON CHEQUES, 706
 INTERROGATION OF PRISONERS, 889
 IRREMOVABLE POOR, 843
 JARMAN, The late Mr., 920
 JOINT STOCK COMPANIES LEGISLATION, 279, 301,
 322, 899
 JUDGES CHAMBERS, The, 287, 575, 640, 875
 — Business in, 849
 JUDGMENTS, Registry of, 801, 844, 946
 JUDICIAL COMMITTEE OF THE PRIVY COUNCIL,
 The, 419
 — "OPINIONS," "ADVICE" AND "DIRECTION,"
 406
 — STATISTICS, 680, 683, 915, 916
 JURIES, 70, 388, 915
 — IN CHANCERY, 171
 — OF EXPERTS, 20
 JURISDICTION IN WINDING UP COMPANIES IN
 EXISTENCE PRIOR TO REGISTRATION, 599
 LADY STRATHEDEN AND CAMPBELL, Funeral of,
 451
 LANDS CLAUSES CONSOLIDATION ACT, The, 681,
 697, 755
 LAND REGISTRY SCHEME, The, 179
 LAND TRANSFER, Mr. A. Cox's paper on, 183
 LAW AND EQUITY BILL, The, 800, 308, 328, 408, 484,
 491, 629, 657, 662, 666, 732
 — Observations on by Common Law Judges, 639, 662
 — By Equity Judges, 407
 LAW COURTS AT GUILDFORD, The, 811, 820
 — EXAMINATIONS, The, 14, 26, 31, 49, 50, 146, 206,
 224, 244, 248, 456, 520, 523, 546, 590, 611, 630, 631,
 649, 784, 948
 — INSTITUTION, The, 253
 — LECTURES, 49, 146, 214, 457, 788, 947
 — LIST, The, 801, 823, 863, 873, 884, 893
 — LORDS, The, 873
 — PAPERS BY BOOK POST, 569
 — REFORM, 193, 333, 837, 859
 — RELATING TO BARRISTERS, ATTORNEYS AND
 SOLICITORS IN AUSTRALIA, 311
 LAW SOCIETIES, PROCEEDINGS OF—
 Birmingham, 13, 947
 Birmingham Law Students, 217
 Chambers of Commerce, Congress of, 362
 Equity and Law Life Assurance, 401, 524
 Incorporated, 13, 292, 313, 707
 International Statistical Congress, 749
 Juridical, 29, 45, 94, 144, 205, 241, 564, 708
 Law Amendment, 42, 64, 126, 222, 313, 610, 624
 Law Newspaper Company Limited, 263
 Law Students' Debating, 825
 Law Union Fire and Life Insurance, 85
 Leeds Law Students' Debating, 240
 Liverpool, 29, 562
 London and Provincial Law Assurance, 545

LAW SOCIETIES, PROCEEDINGS OF— (continued)
 Manchester, 262
 Metropolitan and Provincial, 66, 86, 183, 283, 377, 436,
 452, 474, 922, 956
 National Association for the Promotion of Social Science,
 14, 893
 Newcastle and Gateshead, 106
 Solicitors' Beneficent Association, 472, 546
 Solicitors and General Life Assurance, 472, 546
 United Law Clerks, 670

LAW UNIVERSITY, Scheme for, 597, 649

OF ATTORNEYS, Alterations in, 880

BLASPHEMOUS LIBEL, 45, 76, 85, 144

COUNSEL'S RETAINER, 745, 766, 781

DIVORCE IN AMERICA, 154

JERSEY, Report of Commissioners, 904

PROPERTY, AMENDMENT BILL, The, 532
 237, 257, 284, 357, 365, 447, 496, 551, 602, 639, 775,
 802, 921

AND TRUSTEE RELIEF ACT,
 The, 1, 7, 143, 151, 217, 419

STAMPS, Proposed alterations in, 839

LAWS OF FRANCE IN THEIR APPLICATION TO
ENGLISH SUBJECTS, 541

LAWYERS AND LAW REFORM, 256

LEADING ARTICLES—
 Accountant-Generals Office, The, 408, 429, 453
 American Opinion on the Evidence in Equity Question,
 199, 241, 264, 284, 304, 324, 344, 364, 384, 404, 424, 444,
 464, 484, 504, 524, 544, 564, 584, 604, 624, 644, 664,
 684, 704, 724, 744, 764, 784, 804, 824, 844, 864, 884,
 904, 924, 944, 964, 984, 1004
 Answers in Chancery Suits, 577
 Artistic Property by Copyright and Possession, 821, 426
 Attorneys and Solicitors Bill, The, 299, 446, 487
 Attorneys, Alterations in the Law of, 880
 Bankruptcy and Insolvency Bill, The, 534, 578
 Bankruptcy Law Amendment, 68
 Beaumont, Mr., on the Plea of "Not Guilty," 139
 Benefit Building Societies and the Budget, 367
 Blasphemous Libel, The Law of, 76
 Borough Coroners, 815
 Chancery, Evidence in,
 Evidence Commissioners, Recommendation of, 634,
 862
 — New Orders in, 360
 — Statistics, 132
 Codification of Law in America, 833
 Common Law Commissioners, Third Report of, 319
 — Pleading, 666
 Concentration of the Law Courts and Offices, 753
 Conflict of the Law of Divorce in England and Scotland,
 617
 Consolidated Chancery Orders, The, 391
 — Criminal Law Bills, The, 252
 Courts of Appeal, Conflicts of Decisions, 943, 951
 Court of Chancery Bill, New Chief Clerk at the Rolls,
 339
 Courts of Equity, Queen's Counsel in, 464, 661
 Counsel, Responsibility of, 679
 Criminal Prosecutions in England, 734, 757, 772
 Divorce Bill, The, and the Queen's Proctor, 449
 Divorce, Equities of, 340
 — In America, Law of, 154
 Earl of Shrewsbury v. Trappes, Case of, 511
 Equity v. Common Law, 444
 Equities of Divorce, 340
 Evidence in Chancery,
 — Courts of Law and Equity, 771, 792
 — Law of, Incompetency of Witnesses, 597
 — Of Parties in Criminal Cases, 696
 Fusion of Law and Equity, 552
 — of Law Schools, 467
 Hatch, Mr., Case of, 234
 Hield v. Goddard, Case of, 173
 Huddersfield Tenant Right Question, The, 87
 Hyman on Fire Insurance, 112
 Increase of Chief Clerks, 361
 Insurance Offices and Days of Grace, 932
 International Law, Some Questions of, 553
 Jersey, Laws of, Report of Commissioners, 904
 Joint-Stock Companies Legislation, 279, 301, 322
 Judicial "Opinions," "Advice," and "Direction," 406
 — Statistics, 680, 916
 Juries, 388
 — Of Experts, 20

LEADING ARTICLES— (continued)
 Jurisdiction in Winding-up Companies in existence prior
 to Registration, 599
 Land Chances, Consolidation of, The, 661, 681, 755
 Law and Equity Bill, The, 300, 338, 484, 639, 647
 — Fusion of, 552
 Law Examinations, 428, 441, 504
 Law Institution, The, 253
 Law of Attorneys, Alterations in, 880
 — Blasphemous Libel, 76
 — Divorce in America, 154
 — Divorce in England and Scotland, Conflict of, 617
 — Evidence, Incompetency of Witnesses, 597
 — Jersey, Report of Commissioners, 904
 — Prize Fights, 513
 — Property Act, 775
 Law Reforms, Policy of Lawyers with respect to, 193
 — Practical and Prejudicial, 233
 — of the Session, 859
 Leases and Settled Estates Act of 1859, The, 217
 Legal Education, Preliminary Examinations, 928
 — in the Colonies, 110, 174, 204
 Legal Rights and Obligations of Volunteers, 539
 Lincoln's Inn and the Bar, 200, 284, 324, 344, 364, 384,
 404, 424, 444, 464, 484, 504, 524, 544, 564, 584, 604,
 624, 644, 664, 684, 704, 724, 744, 764, 784, 804, 824,
 844, 864, 884, 904, 924, 944, 964, 984, 1004
 — As passed, 23 & 24 Vict., 145, 891, 896
 Necessity of an Oath on the "Vox Dire," 663
 New Chancery Order, Printing, 360, 389
 New Year, The, 152
 Nicholson, Ex parte, Case of, 2
 Palace of Justice, 774
 Pending Law of Property Bill, The, 690
 Plea of "Not Guilty," Mr. Beaumont on, 139
 Policy of Lawyers with respect to Law Reform, 193
 Political Lawyer in the United States, 677
 Prize Fights, The Law of, 513
 Printing Answers in Chancery, 360, 389, 642
 Public Prosecutors, 714
 Queen's Counsel in Courts of Equity, 464, 661
 Reformation of the Statutes, 153
 Reputed Ownership, 281
 Residuary Devices, 425
 Responsibility of Counsel, 679
 Simpson v. Fogo, Case of, 575
 Suggestions for Amending Procedure in Suits in Chancery,
 555
 Suits of Fund, The, and the Suits of Profit, Fund, 813
 Swinfen v. Lord Chesham, Case of, 638, 648
 Taborney Case, The, 55
 Town and Country, 212
 Union not Strengthened, 885
 West Indian Consignees and Managers, Fraser & Burgen,
 533
 Westminster Palace Hotel Company Case, The, 637
 "What may we do with our own?" 919
 Wife's Separate Estate, The, 213
 Wright v. Chard, Case of, 56

LEASES AND SALES OF SETTLED ESTATES ACT
OF 1859, 37.

LEGAL BENEFIT COLLEGE, A, 622, 688, 690

— EDUCATION, Preliminary examinations, 921

— IN THE COLONIES, 110

"HONOURS, 26.

LEGAL NEWS—

IRELAND—
 Appointments, 218, 310, 332, 450, 623, 690, 825, 853,
 874.
 Bar, Calls to, 288, 707.
 Black Lists and Traders Circulars, 541
 Death of Chatterton Picture Case, 361, 660
 Circuits, the, 420.
 Counsel, Absence of, in hearing of Cases, 663
 Concentration of the Courts, 465
 Crime, Decrease of, 690, 746, 808
 Dublin Chamber of Commerce, 623
 — Corporation of, 651, 690.
 Earl of Glengall's case, 588.
 Incorporated Law Society, 158, 503.
 Irish Judicial Bench, the, 260.
 Judges' Chambers, 351.
 Judgments, Publication of, 260.
 Juridical Statistics, 12.
 King's Inn, and Legal Education in Ireland, 108.

READING ATTITUDE

LEGAL NEWS—(continued)

Warwick, 746, 955.
Worcester, 101, 179.
Weycombe, 707.
Yarmouth, 841
York, 397, 650, 927

LEGISLATIVE BLUNDER, a, 83.
LETTER CARRIERS, Liability of, 745, 766.
LIABILITY OF MERCHANT VESSELS TO CAPTURE
AT SEA, 175.

LIBERTY OF THE PRESS IN FRANCE, 180.
LINCOLN'S INN AND THE BAR, 20.
Hall, Francis, Printing, The, 482.

**LOCAL PRELIMINARY JURISDICTION IN PRIVATE
BILLS FOR USEFUL PUBLIC WORKS, 920.**

— Address at the Meeting of Social Science, at Glasgow, 1894.

872. Henry Seymour's Will, 538.

LORDS JUSTICES, The, 865, 935.
LONDON GAZETTES &c. 17 35 53 72 89 109 130

613, 633, 653, 673, 693, 709, 730, 751, 769, 787, 807, 828,
845, 857, 869, 877, 889, 900, 913, 928, 940, 949, 960.

LUNACY CASE: *Re Way*, an alleged lunatic, 337.
 — Statistics, 868.

**MALICIOUS INJURIES TO PROPERTY ACT AMEND-
MENT BILL, 468, 603.**

MARINE STORE DEALERS BILL, 186, 695.
MARITIME INTERCOURSE IN TIME OF WAR, 83.
MARRIAGE OF FOREIGN PRIEST IN ENGLAND:

MATRIMONIAL AND DIVORCE COURTS, NOTES ON RECENT DECISIONS IN—

Bell and Marquis of Angleson), 256 8 W. R. 178.
MEDICAL IMPOSTURE, 180.

MORTARA CASE, The, 204.

NEW CHIEF CLERK AT THE ROLLS, The. 339.

BAKLEY - GODDEEN, The Case, 124

Archer, Mr. T., 373
Arnott, Mr. J., 957

Austin, Mr. J., 167
Baines, Right Hon. M. T., 224

OBITUARY—(continued)

Bethmont, M., 477
 Birks, Mr. J., 632
 Broughton, Mr. R. E., 708
 Campbell, Mr. E. Clarke, 315
 Carrington, Mr. F. A., 783
 Chadwick, Mr. E. Wolf, 805
 Cooke, Mr. J. H., 14
 Crowder, Mr. Justice, 88
 Dwaris, Sir Fortunatus, Knt., 590
 Ford, Mr. W., 650
 Goddard, Mr. William, 420
 Greenway, Mr. C., 70
 Gregory, Mr. J. Swarbrick, 783
 Hammill, Mr. J., 783
 Holmes, Mr. Robert, 88
 Horne, Sir William, 749
 Ikin, Mr. J. A., 867
 Jarman, Mr. T., 351, 990
 Jervis, Mr. J., 729
 Koe, Mr. J. H., Q.C., 867
 Macaulay, Lord, 145
 Macaulay, Sir J. B., 106, 906
 Montmerque, Monsieur De, 373
 Murphy, Mr. Commissioner, 671
 Nicks, Mr. T., 749
 Parsons, Chief Justice, 206
 Pullman, Mr. J., 14
 Sedgwick, Hon. Theodore, 183
 Sherlock, Mr. J. W., 650
 Tancred, Mr. H. W., Q.C., 843
 Tazewell, Hon. Littleton Waller, 611
 Thompson, Mr. G. T., 826
 Tottie, Mr. T. W., 567
 Watson, Hon. Baron, 372
 Westmacott, Mr. Henry Seymour, 476
 Wilkinson, Mr. G. Hutton, 167

OFFENCES AGAINST THE PERSON BILL, 303, 518, 557, 644, 668

OGILVIE v. JEAFFRESON, Case of, 812, 815

OPENING OF PARLIAMENT, 211

ORDERS OF COURT, 196

OUTLAWRY, PROCLAMATION OF, 566

PAID OR UNPAID MAGISTRACY, A Barrister's letter on, 8

PAINTING OF PIUS IX. IN LAW COURTS AT QUEBEC, Refusal of Judge to sit in Court while it was there, 905

PALACE OF JUSTICE, A, 774

PARLIAMENT, Houses of, Bills in, 281, 282, 251, 279, 299, 319, 339, 357, 385, 405, 425, 531, 551, 575, 617, 695, 713, 791, 792, 811, 831

PARLIAMENT, HOUSES OF—

PENDING MEASURES IN—

Aggravated Assaults Act, 537, 645
 Attorneys and Solicitors Bill, 345
 Bankruptcy and Insolvency, 411
 Bankrupt Law (Scotland) Amendment, 399
 Benefit Societies Rules Amendment, 393
 Bill to amend Settled Estates Act, 1856, 365
 Charitable Uses, 393, 514
 Coinage Offences, 585
 Coroners, 825
 Criminal Statutes Repeal, 558
 Divorce, 412
 Ecclesiastical Courts Jurisdiction, 537
 Education of Children Employed in Manufactures, 645
 Felony and Misdemeanour, 743
 Law and Equity Bill, 305
 Law of Property Bill, 284, 365
 Malicious Injury to Property Act Amendment, 603
 Marriages, Extra-Parochial Places, 448
 Stamp Duties and the Budget, 392
 Statute Law Amendment—Relating to Forgery, 603
 —to Larceny, 685, 704, 725
 Stock Jobbing, 667
 Trustees, Mortgagees, &c., Bill, 469, 499

PROCEEDINGS IN

Additional Chief Clerk, 839.
 Appeal in Criminal Cases, 258
 Attorney and Solicitors' Bill, 803, 324, 343, 362, 468, 499, 514, 703, 778, 797, 828, 836.
 Bankruptcy and Insolvency, 363, 411, 496, 582, 583, 602, 684, 723, 725, 742, 748

PARLIAMENT, HOUSES OF—(continued)

Bankrupt Law of Scotland Amendment, 417, 538
 Case of the Rev. J. Kelly, 363
 Chancery Amendment, 417, 558
 Chancery Evidence Commission, 704
 Convict Establishment at Bermuda, 764
 Coroners, 344, 582, 742, 777
 Corrupt Practices at Elections, 288, 255
 County Courts, 777, 820
 Criminal Law Consolidation, 536, 705
 Crown Lands and Debts, 777
 Debtors and Creditors Act Amendment, 778
 Divorce Court, 391, 467, 495, 514, 582, 638, 840.
 Endowed Charities, 619, 778, 823
 Forged Trademarks, 837
 Fusion of Law and Equity, 303
 George Bull, Case of, 819
 Indictable Offences, 303
 Law and Equity Bill, 491, 668, 732
 Law Courts at Guildford, 820
 Law of Evidence, 684
 Law of Property, 237, 496, 603
 Law Reform, 837
 Malicious Injuries to Property, 468
 Marriage Law in Scotland, 741, 764, 890, 836
 Offences against the Person, 303, 518, 557, 644, 666
 Plea of Guilty in Criminal Cases, 303, 666
 Probate and Divorce Courts, 391, 582
 Professional Oaths Abolition, 666
 Prorogation, the, 851
 Prosecutions for Bribery at Wakefield, 620
 Roman Catholic Charities, 851
 Sir J. Barnard's Act Amendment, 431, 619
 Stamp Duties and the Budget, 410, 472
 Stipendiary Magistrates Bill, 778
 Surrey Sherifalty, 839
 Tithe Commutation, 644
 Trials of Felony and Misdemeanour, 620, 667, 705, 763, 764, 820
 Trustees, Mortgagees, &c., Bill, 514

PARLIAMENTARY CHANGES IN THE SESSION.

875
 — PETITION STATISTICS, 868
 PEARCE v. LINDSAY, Case of, taxation of costs, 409
 PETITIONS OF RIGHT, 211
 PLEA OF GUILTY IN CRIMINAL CASES, 123, 303, 666
 PLEADING, The Art of, 907
 — GUILTY BY ADVICE OF PRISON CHAP.

LAIN, 111

POISONING NO CRIME, 84

POLICE COURTS, Proceedings at, 58, 93, 155, 214, 361, 490, 601, 665, 817, 835, 909

POLITICAL LAWYER IN THE UNITED STATES, A, 677

POOR RATE STATISTICS, 458

PRACTICE AT THE ROLLS, 197

PRINTING CHANCERY ANSWERS, 642

ORDERS, 449

PRISON INSPECTOR'S REPORT, 657

PRIVY COUNCIL, The, and the Chancery Judges Chambers, 706

PRIZE FIGHTS, The Law of, 463, 513

PROBATE COURT, Additional fees in, 32

Business in, 454

Returns, 657

PROBATE, COURT OF, NOTE ON RECENT DECISIONS IN—

CORPORATION—Appointed executor; *Syndic (In the goods of Elizabeth Darks, 366)*, 8 W. R. 273

LIMITED PROBATE—Revocation (*The Goods of Lancaster, 216*), 8 W. R. 134

DUTY, Revision of, 395

FEES, 83, 99

AND LEGACY DUTIES, 143, 158, 179, 200,

309

REGISTRY, State of, 443

PROCEDURE IN CHANCERY SUITS, Suggestions for amending, 555

PROFESSIONAL DELINQUENCIES, 123

MISCONDUCT, False charge of, 818

OATHS ABOLITION BILL, 66

PROFESSIONAL PARTNERSHIPS. See *London Gazette*.

REMUNERATION IN FRANCE, 669

PROROGATION OF PARLIAMENT, 851
PROSECUTION OF BAILEE UNDER 20 & 21 Vict. c. 54, 390

PROSECUTIONS FOR BRIBERY AT WAKEFIELD, 620
PUBLIC DEPARTMENT STATISTICS, 501

PROSECUTORS, 26, 650, 714, 896
PURIFICATION AND REGISTRATION OF TITLES, 86

QUEEN'S COUNSEL IN COURTS OF EQUITY, 464, 637, 661

SPEECH, The, 211

RAILWAY STATISTICS, 457

RECENT LEGISLATION, Samuel Warren, Esq., Q.C., on, 8

REFORMATORY SCHOOL STATISTICS, 479

REFUGEE QUESTION IN JERSEY, The, 30

REGINA v. HUGHES, Case of, 95, 151, 154, 171

REGISTRAR GENERAL'S REPORT, The, 458, 875

REGISTRAR'S OFFICE, The, 855

REGISTRATION ACT, The, 257

OF TITLES, 66

IN SOUTH AUSTRALIA, 313

RELIEF OF TRUSTEES ACT, 452

REMUNERATION OF WITNESSES, 405, 622, 699, 745, 811, 823

REPUTED OWNERSHIP, 281

RESIDUARY DEVISEE, 425

RETIREMENT OF MR. LONG FROM THE MAGIS-TRACY, 155

REVIEWS—

Addison's "Wrongs and their Remedies," 804.

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dence," 727.

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205.

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106.

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Divorce," 767.

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520.

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400.

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Life Assurance Policies," 294.

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Lord St. Leonards' Act," 273.

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475.

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Administration of the Law," 314.

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Reforms," 567.

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RIGHT OF CAPTAINS OF VESSELS TO RECEIVE
COMMISSION, 143.

VOLUNTEERS TO EXEMPTION FROM TOLL,
405, 665, 722, 823, 835, 873, 953.

ROBBERY OF A SOLICITOR AT A LONDON HOTEL,
282.

BY A CLERK, 817.

ROMAN CATHOLIC CHARITIES, 851.

ROWLEY v. ROWLEY, Case of, 151.

ROYAL ACADEMY EXHIBITION, The, 511.

SALE OF ESTATES RETURNS, 69.

SAVINGS BANK STATISTICS, 876.

SCIENTIFIC EVIDENCE, 610.

SCOTCH ECCLESIASTICAL LAW, Case of, 397.

JURISDICTION OVER ENGLISH BANKRUPTS,
397.

LEGAL NEWS, 28, 63, 397, 541, 899.

SEARCH FOR INCUMBRANCES, 99.

SEDUCTION, Defect in the Law of Actions for, 125.

SESSIONS HOUSE, CLERKENWELL, Alterations at, 703.

SHADWELL, Mr., Appointment of, as Taxing Master, 511.

SHERIFFS COURT, The, 113, 302.

FOR 1860, 333.

SHREWSBURY, EARL OF, v. TRAPPE, Case of, 511.

SIMPSON v. FOGO, Case of, 375.

SIR J. BARNARD'S ACT AMENDMENT BILL, 431, 619.

SOLICITOR AND CLIENT, Law of. See Attorney and
Client.

SOLICITOR, Assault on, 420.

Forgery by, 62, 78.

Threatening by letter, &c., 10, 93.

SOLICITOR GENERAL, The, 95.

SOLICITORS, Admission of. See Attorneys.

Education of; Oxford experiences, 99.

Liability of for acts and defaults of Partner, 62.

SOLICITOR'S CHARGE ON APPLICATION FOR A
DEBT, 898, 910.

CHARGES AGAINST SOLICITORS, 520.

CLERKS VOLUNTEER RIFLE CORPS, 100.

SPECIAL JURIES, 124.

ST. GEORGE'S IN THE EAST RIOTS, The, 491.

STAMP ACT, The New, 477.

Duties and the Budget, 392, 410, 742.

on Settlements, 520.

Laws, Changes in, 479.

STATE OF CRIME IN THE EASTERN DISTRICT
176.

STATISTICS, Various, 136, 324, 457, 458, 479, 501, 542,
570, 689, 692, 735, 806, 844, 855, 868, 875, 876, 912,
916.

STATUTES, Reformation of the, 153.

STATUTE LAW AMENDMENT, 603, 683, 704, 725.

STIPENDIARY MAGISTRATES, 689, 778.

STOCK JOBBING, 667.

SUCCESSION TO PERSONAL ESTATE AS AFFECTED
BY THE DOMICIL OF THE DECEASED OWNER
934.

SUITORS' FUND, The, and the Profit Fund, 813, 840.

SUPERSTITIOUS USES, 898.

SURREY SHERIFFALTY, The, 791, 839.

SUM CUIQUE, 258.

SWINFEN v. LORD CHELMSFORD, Case of, 763.

TAXATION (after payment) OF SOLICITOR'S BILL, 92.

TAXES, Collection of, 888.

Statistics of, 479.

TAXING MASTER, The New, 339.

TESTIMONIAL to R. Barry, Esq., of Leeds, 760, 899, 947.

T. F. Callaghan, Esq., of the Irish Bar, 374.

- TESTIMONIAL to F. S. Flood, Esq., 4
 — T. Hamlin, Esq., of Bristol, 309
 — A. Henderson, Esq., of Bristol, 955
 — H. Ingledew, Esq., of Newcastle, 10
 — H. Lumb, Esq., of Wakefield, 122
 — J. Newman, Esq. (Messrs. Freshfield & Co.), 868
 — J. North, Esq., of Liverpool, 81
 — Phinn, Esq., Q.C., 81
 — J. Richardson, Esq., 935
 — A. Ryland, Esq., 706
 — L. Trafford, Esq., 27
 — G. F. Watts, Esq., 483
 TITHE COMMUTATION, 644
 TOBERMORY CASE, the, 55, 160
 TOWN AND COUNTRY, 212
 TRADE PROTECTION SOCIETIES, 436, 539, 562
 TRAINING OF PRUSSIAN LAWYERS, 690
 TRANSFER OF LAND, 238, 289, 896
 — in Australia, 124
 TRIAL BY JURY IN CASES OF POISONING, 29
 TRIBUTE TO THE MEMORY OF THE LATE A.
 IKIN, ESQ., OF LEEDS, 873, 911
 — P. R. Power, Esq., of Bristol, 101
 TOWN CLERKS FEES, case of Sparke v. Frewer, 484,
 489
 TWO COUNSEL PROSECUTING IN ONE CASE, en-
 gaged by different parties, 390, 879
 UBIQUITY OF VICE, The, 561
 UNCLAIMED CHANCERY DIVIDENDS, 503
 UNDERGRADUATE EXTRAVAGANCE, 10
 UNION NOT STRENGTH, 385
 UNIVERSITY AND LAW MATRICULATION, 330
 — INTELLIGENCE, 214, 341, 805, 827
 VESTRY MEETINGS, right of Incumbent to preside at
 369
 VOLUNTEER CORPS, 254
 VOLUNTEERS, Legal Rights and Obligations of, 532
 WEST INDIAN CONSIGNEES AND MANAGERS, Fra-
 ser v. Burgess, 533
 WESTMINSTER PALACE HOTEL COMPANYS CASE,
 637
 "WHAT MAY WE DO WITH OUR OWN," 919, 938
 945
 WIFE'S SEPARATE ESTATE, 213
 WILL OF BARON WATSON, 479
 WITNESS, a Prudent, 478
 WOMEN, Acknowledgments of, 781
 — to Practice as Attorneys, Admission of, 309
 WRIGHT v. CHARD, Case of, 56
 YELVERTON v. YELVERTON, Case of, 95

INDEX TO BANKRUPTS.

- Aal, B., 770
 Abbott, G., 846
 Abbott, J. M., 961
 Abelin, L. O., 277
 Abraham, B., 528
 Abram, W. H., 961
 Acton, E. A., 961
 Adams, J., 789
 Adams, R. F., 901
 Adams, F., 940
 Adams, J., 949
 Alcock, J. C., 752
 Addinell, J., 635
 Alexander, J. A., 731
 Allen, T., 18
 Allen, D., 35
 Allen, J., 51
 Allen, J., 90
 Allen, G., 481
 Allen, V., 549
 Allen, C., 654
 Almond, G., 858
 Anderson, J. L., 25
 Andrew, P., 209
 Andrew, J. M., 945
 Andrews, L., 913
 Angerstein, F., 528
 Ansell, J., 528
 Ansell, J., 901
 Appleyard, W., 752
 Appleyard, F., 789
 Archer, M., 930
 Armstrong, J. W., 752
 Arnold, F., 845
 Arnold, J., 845
 Arnold, J., Jun., 951
 Arnsby, G. E., 913
 Ashby, R., 460
 Ashdown, J., 901
 Ashton, G., 694
 Ashworth, W., 572
 Aston, T., 149
 Attwood, J., 759
 Atrac, A. C., 277
 Aulton, S. A., 635
 Austen, J., 711
 Axford, J., 491
 Axwell, J. A., 614
 Axwell, W., 614
 Aydon, E., 460
 Aykett, J., 170
 Bach, H., 528
 Beck, S. J., 25
 Bailes, J., 654
 Bailey, H., 355
 Baillie, S., 229
 Bain, A., 929
 Baker, F., 961
 Baker, J., 693
 Ball, J. C., 403
 Ball, C. J., 961
 Ballard, H. F., 654
 Ballard, C., 829
 Ballard, W., 35
 Bamford, J., 674
 Barber, J., 846
 Barber, J. H., 877
 Barker, R., 694
 Barlow, J., 64
 Barnes, E., 614
 Barreth, J. J., 788
 Barrow, C. Jun., 914
 Bartels, G., 54
 Barton, J., 277
 Basnett, W. S. C. W., 710
 Batt, C. L., 731, 752
 Batters, G., 170
 Batters, G., 961
 Baxter, S., 614
 Bayley, W. Jun., 635
 Baynham, W., 941
 Beale, J., 549
 Beady, F., 858
 Beadon, C. sen., 317
 Beddell, J. G., 337
 Bedford, J. H., 277
 Bedford, W., 528
 Beeman, S. O., 770
 Beesley, T., 731
 Beeson, H., 808
 Begbie, K. S., 828
 Bell, M. W., 355
 Bell, J., 543
 Bell, A. D., 564
 Bell, J., 829
 Bell, J., 845
 Bell, W., 858
 Bell, T. C., 477
 Benjamin, N., 408
 Bennett, S., 770
 Bennett, T., 949
 Benrimo, M., 403
 Bentley, J., sen., 189
 Bentley, J., Jun., 189
 Berger, J., 437
 Bernal, A., 54
 Best, T., 130
 Devis, W. H., 674
 Biggleston, T., 149
 Biggs, J., 90
 Binning, H., 317
 Birr, W., 528
 Birr, R., 809
 Biscoe, T., 829
 Black, W., 528
 Blackburn, J. B., 674
 Blackmore, J., 337
 Blech, J. E., 889
 Bloxham, A. B., 635
 Bogle, W., 460
 Bolton, M. W., 941
 Bomser, T., 694
 Booth, G., 297
 Booth, J. B., 460
 Borth, T., 961
 Boreham, H., 961
 Boswell, W., 218
 Botten, C., 869
 Bothwell, S., 355
 Boucher, J., 355
 Boughen, H., 674
 Bound, W., Jun., 594
 Bound, W., sen., 788
 Bowrne, C. W., 929
 Bowden, M. & Co., 376
 Bowers, M. E., 461
 Box, J., 672
 Boyce, C. F., 461
 Boyce, W., 949, 961
 Boyle, E. F. A., 694
 Bracewell, W., 277
 Bradbury, M., 189
 Bradbury, W. H., 573
 Bradley, C., 846
 Brane, W., 229
 Brane, J. Jun., 229
 Bransford, E., 694
 Brassington, F. T., 870
 Bray, C., 573
 Brett, J. G., 674
 Brettle, W., 481
 Brignall, J., 337
 Brimelow, J., 438
 Brine, A., 297
 Broad, J., 949
 Brock, G., 608
 Brock, E., 614
 Brooks, G., 899
 Brooks, J., 35
 Brooks, T., 189
 Brookes, E., 928
 Brookes, T., 731
 Brown, J. T., 929
 Brown, S., 941
 Bryan, S., 858
 Buhner, A., 846
 Burgess, W., 376
 Burdon, J. T., 654
 Burn, E. J., Jun., 808
 Burrows, M. H., 858
 Burton, J., 829
 Bush, J. W., 297
 Bushell, J., 788
 Buss, C., 130
 Butterworth, S. A., 635
 Butterworth, H., 635
 Buttle, R., 870
 Chaston, J., 819
 Bydder, G., 828
 Cahn, D., 337
 Calvocorasi, A., 54
 Caplin, F., 961
 Carewell, G., 901
 Carr, R., 403
 Carruthers, R., 635
 Carruthers, G., 170
 Cartwright, J., 73
 Cartwright, J., 130
 Cartwright, M., 929
 Cartwright, J., 913
 Castelli, F., 858
 Castle, R., 149
 Caswell, B., 654
 Cawton, J., 54
 Chadwick, J., 843
 Chalkley, W. S., 674
 Chamberlain, J., 297
 Chandler, K., 297
 Chapman, J., 248
 Chapman, J., 908
 Chard, T., 460
 Charles, T., 64
 Charlton, C. H., 318
 Chatwin, J., 337
 Cheetham, M. C., 535
 Chelliew, W., 209
 Chelliew, W., 229
 Cherrington, B., 711
 Chilton, J., 674
 Christie, M. S., 34
 Claridge, J. A., 829
 Clark, T., 337
 Clark, G., 337
 Clark, J. B., 684, 674
 Clark, W., 930
 Clark, J., 961
 Clarke, G., 209
 Clarke, J., 442
 Clarke, J., 460
 Clarke, J., 846
 Clarke, J., 858
 Clayton, J., 248
 Clayton, E., 573
 Clayton, B., 711
 Clegg, R. D., 528
 Clemerson, H., 337
 Clifford, J., 678
 Cohen, M., 634
 Cohn, J. H., 318
 Cohnreich, E., 711
 Cohnreich, A., 711
 Cohnreich, J., 711
 Coker, F., 949
 Cole, R. L., 403
 Coleman, E. H., 664
 Collingbourne, H., 297
 Collins, J., 355
 Collins, C. T., 710
 Coney, H., 423
 Cook, L., 594
 Cook, W., 769
 Cooke, G., 654
 Cooper, H., 403
 Cooper, W., 828
 Cooper, J., 654
 Cooper, H., 654
 Cooper, J., 752
 Cooper, J., 980
 Cope, J., 528
 Cornell, C., 940
 Corns, J., 858
 Cotnam, S., 54
 Cotnam, J., 858
 Cottrill, H., 170
 Couling, R. T., 73
 Cox, J. E., 901
 Cox, W. J., 940
 Cox, W., 961
 Crane, J. A., 437
 Craven, J., 73
 Craven, T., 73
 Craven, G., 901
 Crawford, J. W., 694
 Crawford, J. A., 899
 Crick, D. B., 491
 Crighton, T., 654
 Crocker, J., 90
 Crookford, F., 808

975

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100

- News, J., 549
 Newsome, S., 654
 Newstead, E., 337
 Newton, R., 858
 Nicholls, F. H., 949
 Nichols, W., 962
 Nicholson, T., 348
 Nicholson, T., Jun., 403
 Nicholson, S. R., 403
 Nicholson, S., 890
 Niner, G., 277
 Noah, W., 654, 674
 Noah, J., 654, 674
 Noble, G. C., 424
 Noble, K., 614
 Noble, G., 913
 Nutt, J., 731
 Nuttall, R., 189
 Oakshott, B. T., 528
 Old, E. H., 635
 Oldfield, G., 460
 Oldfield, R., 460
 Oldroyd, J., 424, 442
 Oliver, D. S., 298
 Oliver, R., 808
 Orchard, F. C., 731
 Orris, H., 249
 Osborne, W., 770
 Osmond, H., 950
 Owen, J., 18
 Pacey, G., 962
 Packer, E., 789
 Padmore, G., 635
 Page, J., 829
 Paget, J., 674
 Palin, W., 770
 Palin, J. C., 770
 Palmer, J., 549
 Palmer, T., 635
 Palmer, T., 770
 Palmer, S., 770
 Panter, F., 961
 Parker, G. H., 394
 Parkes, T., 949
 Parkinson, H., 788
 Parnell, J., 549
 Parry, E., 130
 Parry, S., 481
 Patient, W. F., 630
 Pavia, C., 209
 Payne, T., 731
 Payne, F. H., 788
 Peach, S., 789
 Pearce, J., 255
 Pearson, G., 635
 Pearson, W. O., 789
 Peck, J., 209
 Penfold, W., 949
 Penny, A., 694
 Pereira, S. F. L., 870
 Perkins, J., 403
 Perrin, W., 858
 Perrin, F., 858
 Perrins, J. T., 149
 Perry, M., 394
 Perry, S., 710
 Perry, F. C., 630
 Phillips, T., 277
 Phillips, J., 731
 Phillips, W., Jun., 877
 Philipson, J., 901
 Philp, R. K., 752
 Philp, L. J., 808
 Picciotto, J., 403
 Pickering, T. A., 711
 Pickett, A., 913
 Pickford, W., 690
 Pickles, T. B., 890
 Pickslay, E. J., 694
 Pike, W., 929
 Pillinger, J. E., 789
 Pillot, F. J., 460
 Finkbe, E., 149
 Fitcher, J., 808
 Fitcher, T., 890
 Pitt, W., 877
 Pizzala, F. A., 594
 Plane, D., 711
 Platten, D., 930
 Pook, W., 255
 Poole, L. E., 854
 Pooley, J., 594
 Porpa, G., 961
 Porter, T., 731
 Porteous, W., 549
 Portman, S., 403
 Potter, H., 711
 Pountney, T. E., 770
- Povey, J., 901
 Powell, L., 962
 Powles, T., 949
 Pownceby, H., 549
 Powning, T., 90
 Pratt, T., 36
 Price, J., 36
 Price, C., 149
 Price, E., 808
 Price, T., 913
 Prichard, J. E., 461
 Pritchard, C., 929
 Proctor, W., 481
 Pyke, H., 461
 Quarterman, H., 297
 Ragg, T. A., 929 & 930
 Ramsay, E. R., 901
 Randle, S., 929
 Raven, J., 752
 Raw, J. H., 949
 Rawie, G., 808
 Rawies, B. C., 919
 Ray, W., 349
 Rayner, G., 614
 Read, G., 318
 Read, F. B. J., 752
 Reading, W., 890
 Reddall, F., 846
 Redstone, H., 403
 Rees, R., 248
 Reeves, G., Jun., 808
 Reid, G. J., 170
 Revitt, W., 674
 Rewman, O., 731
 Reynolds, J., 54
 Reynolds, B., 929
 Rice, J., 914
 Richards, D., 170
 Richards, B., 789
 Richards, J., 789
 Richards, T., 789
 Richards, W., 808
 Richards, J. E., 877
 Richardson, G., 229
 Richardson, T. C., 549
 Richards, G., 403
 Ridley, R. E., 962
 Roach, C., 614
 Roberts, W., 229
 Roberts, J. E., 481
 Roberts, J., 789
 Robins, A., 594
 Robinson, M. H., 770
 Robson, S., 901
 Rodgers, J., 837
 Roe, J., 298
 Rogers, S., 830
 Rogers, J., 941
 Rogers, J. T., 731
 Rolfe, A., 877
 Rolis, J. J., 913
 Romlason, J., 169
 Ross, J., 189
 Rothery, J., 829
 Rothwell, W., 403
 Rowbotham, J., 940
 Royle, G., 461
 Rue, S., 901
 Rustonjee, H., 170
 Russell, J. T., 528
 Russell, E., 752
 Russell, J., 914
 Rutherford, S., 878
 Rutherford, W. H., 962
 Ryder, T., 694
 Sage, F., 961
 Sampson, T., 403
 Sampson, P., 594
 Sander, S., 711
 Sandford, G. J., 694
 Saunders, J., 929
 Sayer, C. J., 298
 Schrader, F. B., 770
 Score, W., 877
 Scott, J., 403
 Scott, T., 789
 Season, J., 870
 Seagood, O. A., 901
 Seaton, G., 604
 Selke, I., 901
 Sexton, R. W., 873
 Sexton, H. W., 594
 Shadwick, E. T., 189
 Sharp, T., 248
 Sharpe, W., Jun., 424
 Sharpe, W. G., 674
 Sharpe, J. H., 914
 Shaw, J., 64
- Shaw, D., 54
 Shaw, J., 789
 Shaw, J., 830
 Shaw, J., 940
 Sheppard, J. G., 635
 Sherren, E. K., 549
 Sherry, J., 890
 Shield, M., 481
 Shiers, J., 149
 Shipley, F. E., Jun., 901
 Short, T., 914
 Shrimpton, W., 209
 Skinner, J., 929
 Siddons, J., 930
 Silvester, A., 930, 940
 Simcox, G. F., 573
 Simmons, T., 229
 Simmons, T., 424
 Simons, D., 317
 Simons, M., 317
 Simpson, D., 170
 Sinclair, R. W., 901
 Skeay, W., 837
 Slater, E., 297
 Slater, J., 337
 Slater, W., 890
 Slater, J., 442
 Smart, H., 403
 Smedley, W., 35
 Smith, J., 35
 Smith, W., 73
 Smith, W. J. T., 248
 Smith, N., Jun., 403
 Smith, H. J., 424
 Smith, W., 528
 Smith, S., 849
 Smith, E., 573
 Smith, G., 573
 Smith, J. H., 789
 Smith, A., 830
 Smith, W., 830
 Smith, D., 858
 Smith, T. J., 870
 Smith, H. W., 901
 Smith, W., 901
 Smith, W., 962
 Southward, J., 481
 Spark, E. H., 528
 Spencer, J. S., 404
 Spencer, T., 614
 Spicer, S. W., 376
 Spicer, T., 846
 Spinks, C., 870
 Stacey, M. J., 674
 Stait, E. H., 317
 Stanbridge, C., 549
 Stanley, J., 828
 Stapley, W. A., 655
 Stark, H., 789
 Stephens, H., 318
 Stephenson, J. J., 941
 Steven, J., 404
 Stevens, W., 460
 Stevens, J. L., 808
 Stevens, F., 846
 Stevens, R., 930
 Stevenson, W., 317
 Stevenson, S., 376
 Stevenson, G., 770
 Steward, R., 830
 Stone, K., 878
 Storry, C., 248
 Story, T. L., 217
 Strange, W., 189
 Strange, H., 460
 Street, J., 229
 Streeter, T., 297
 Streltberg, T., 731
 Strong, W., 961
 Stroud, E., 950
 Stubbs, J., 949
 Sturley, T., 549
 Sullivan, J. G., 752
 Sully, G., 170
 Sumner, J. W., 229
 Suter, T., 573
 Sutton, A., 694
 Sutton, L. P., 711
 Swales, G., 914
 Swann, J. W., 809
 Sweetlove, T., 654
 Swift, D., 614
 Sword, W., 752
 Sykes, W., 929
 Symons, N., 355
 Tait, W., 890
 Tanner, R., 423
 Taylor, T., 170
- Taylor, P., 424
 Taylor, G., 901
 Teale, J. R., 829
 Teale, D., 846
 Thomas, F. W., 90
 Thomas, W., 838
 Thomas, C. J., 914
 Thomas, J., 929
 Thompson, J., 829
 Thompson, J., 941
 Thompson, W., 962
 Thomson, J., 870
 Thomson, J., 870
 Thorne, J., 877
 Thornhill, J., 901
 Thorp, T., 573
 Thorpe, W. J., 317
 Thorpe, J., 877
 Tidbury, C. H., 404
 Tilley, J., 170
 Timewell, E., 962
 Todd, J., 808
 Tolson, T., 914
 Tombs, J., 674
 Tongue, J., 929
 Tomkins, J., 929
 Tootal, F. H., 594
 Townson, W. M., 846
 Toynbee, T., 635
 Toynbee, E., 878
 Trenter, H., 528
 Triggs, E., 149
 Triggs, W., 149
 Tripp, J., 929
 Troughton, J. N., 961
 Tuck, C., 901
 Tucker, G., 90
 Tucker, G. E., 90
 Tucker, C. F., 90
 Tucker, D. A., 90
 Turnbull, E., 878
 Turner, H., 461
 Turner, R., 481
 Turner, J., 940
 Turpin, W., 830
 Tyler, R. L., 594
 Tyson, W., 614
 Underhill, J., 508
 Underwood, T., Jun., 90
 Underwood, E., 442
 Underwood, J., 442
 Underwood, C., 890
 Unthank, H., 962
 Unwin, H. W., 442
 Varley, J., 209
 Verichio, D. N., 423
 Vernon, T. W., 694
 Vickers, W. H., 930
 Voke, T., 573
 Vokins, J., 870
 Waite, A., 481
 Waite, J., 528
 Wakefield, G. V., 809
 Wakelin, W. H., 35
 Wale, J., 481
 Wale, A., 614
 Walker, J., 752
 Walker, A., 788
 Walker, T., 838
 Walker, E. C., 890
 Walker, J., 949
 Wall, J., 318
 Waller, J., 711
 Wallis, T. J. B., 423
 Walters, P., 901
 Walton, G. H., 614
 Wamsley, P., 731
 Ward, S., 209
 Ward, A. L., 809
 Warburton, J. S., 317
 Warren, J., 189
 Warren, M., 573
 Watson, W. J., 460
 Watson, R., 789
 Watson, C. W., 789
 Watson, W. P., 789
 Watson, E. M., 890
 Watt, J., 911
 Watts, H., 90
 Watts, W., 297
 Watts, J. H., 846
 Watts, J., 846
 Watts, H. H., 949
 Weaver, G., 189
 Webb, R. G., 90
 Webster, W. J., 189
 Webster, J., 229
 Webster, J. C., 830
- Weiss, E., 376
 Welch, W. J., 962
 Welch, J. W., 614
 Wellson, S., 73
 Wellcock, G. Jun., 901
 Wenham, W., 594
 Wentworth, A., 674
 Wentworth, T., 674
 West, E. B., 297
 West, G., 594
 Wetherstone, E., 789
 Wherry, E., 731
 Wherry, E., 829
 Whilock, J., 248
 Whitburn, A. F., 752
 White, J. L., 18
 White, G. M., 18
 White, J., 73
 White, G., 209
 White, G. C., 298
 White, C., 710
 White, R., 941
 White, J., 941
 White, W., 941
 Whitehead, T., 901
 Whittail, F., 35
 Whittingham, W., 711
 Whitworth, P., 914
 Wicks, T. G., 530
 Widdowson, D., 873
 Widnell, J. B., 809
 Wigdahl, A., 36
 Wigglesworth, G., 830
 Wilkes, C., 277
 Wilkins, E., 18
 Wilkins, T., 914
 Wilkins, J., 914
 Wilkinson, G. N., 248
 Wilkinson, J. H., 549
 Wilkinson, R. G., 829
 Wilkinson, G., 961
 Willan, R., 949
 Willats, J., 901
 Williams, J. B., 110
 Williams, J. R., 355
 Williams, J., 461
 Williams, J., 573
 Williams, J., 614
 Williams, W. T., 731
 Williams, J. Z., 829
 Williams, J., 829
 Williams, E., 949
 Williamson, P., Jun., 614
 Williamson, A., 809
 Wilson, W. A., 73
 Wilson, H. J., 460
 Wilson, A., 481
 Wilson, J., 549
 Wilson, G., 594
 Wilson, J., 788
 Wilson, C., 829
 Wilson, C., 845
 Wilson, J., 846
 Wilson, W., 901
 Wingrave, J. D., 789
 Winks, J., 731
 Winter, G., 809
 Winwood, T., 594
 Witherpoon, J., 901
 Wolstenholme, W., 930
 Wood, E., 54
 Wood, T. W., 789
 Wood, M. A., 870
 Wood, J., 962
 Wood, C., 962
 Woodhouse, S., 870
 Woodward, J. R. W. J. F., 90
 Woolley, W., 914
 Wootton, A., 424
 Worman, A., 248
 Worrall, W., 297
 Wortley, E., 614
 Wright, T., 298
 Wright, S., 349
 Wright, W., 873
 Wright, T. E., 635
 Wright, E., 770
 Wright, G., 914
 Wycherley, J., 18
 Yates, J., 635
 Yaxley, J., 901
 Young, J., 674
 Young, W. G., 731
 Young, T., 734
 Young, R., 877
 Zeltner, H., 149

PUBLIC GENERAL STATUTES,

23 & 24 VICTORIÆ, 1860.

PASSED IN THE SECOND SESSION OF THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

NOTES BY JAMES STEPHEN, ESQ., LL.D.,

&c. &c. &c.

THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.

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PUBLIC GENERAL STATUTES, 1860.

WITH NOTES, BY JAMES STEPHEN, Esq., BARRISTER-AT-LAW.

23 VICTORIA.

[THE IMPORTANT STATUTES ONLY ARE SET OUT AT LENGTH.]

CAP. I.

An Act to render valid certain Marriages in the Chapel of Saint Mary-in-Rydal in the County of Westmoreland.

[12th March, 1860.]

CAP. II.

An Act to apply the Sum of Four hundred and seven thousand six hundred and forty-nine Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first day of March One thousand eight hundred and sixty.

[12th March, 1860.]

CAP. III.

An Act to apply the Sum of Four million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.

[23rd March, 1860.]

CAP. IV.

An Act to enable the Commissioners of Her Majesty's Treasury to defray One Moiety of the Expense of the annual Revision of the Valuation of Rateable Property in Ireland out of the Consolidated Fund.

[23rd March, 1860.]

CAP. V.

An Act to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act of the Twenty-second and Twenty-third Years of Victoria, Chapter Thirty-nine, to Indian Bonds.

[23rd March, 1860.]

WHEREAS at various times the Executive Government of India has raised moneys for the public service by the issue of Government promissory notes and by Government loans severally payable in India, and by various public notifications of the said Government, or regulations to be made by the Secretary of State in Council, the owners of such notes have been or may be allowed the privilege of having the current interest thereon made payable in London by drafts payable in India, and the holders or owners of shares or portions of such loans have been or may be allowed the privilege of having the same registered and made transferable, and the interest thereon made payable in London: and whereas upon the death of the holders of notes as to which the said privilege shall have been claimed questions may arise as to the place in which the same are properly to be deemed assets of the deceased owner, and it is for the convenience and advantage of the estates of such persons that the same should be deemed assets in this country and not in India: and whereas by an Act passed in the Session holden in the fifth and sixth years of the reign of his late Majesty King William the Fourth, chapter sixty-four, section five, the transfer of any part of the territorial debt of the East India Company in India in the books of the said company in England, whether upon a sale thereof or otherwise, was made chargeable with a stamp duty of one pound ten

shillings, and it is expedient to repeal so much of the said Act as imposes the said stamp duty: and whereas under the authority of various Acts of Parliament the East India Company were empowered to raise money upon bonds to be issued under their common seal, and the said bonds formerly constituted the bond debt of the East India Company, and are commonly designated East India bonds: and whereas by an Act passed in the Session holden in the twenty-first and twenty-second years of the reign of her present Majesty, chapter one hundred and six, section sixty-seven, all liabilities of the East India Company were transferred to the Secretary of State in Council: and whereas by an Act passed in the last Session of Parliament, chapter thirty-nine, power was given to the Secretary of State in Council, to raise money by bonds or debentures or the creation of a capital stock or annuities upon or for the repayment of any principal money secured under the authority of the said Act or of either of the Acts therein recited: and whereas it is expedient to extend such power of raising money to the repayment of any of the East India bonds aforesaid: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: (that is to say,)

1. *Indian Government notes on which interest is payable in London, and certain Indian Government promissory notes, to be deemed bona notabilia in England.*—Probate, &c., or confirmation granted in Scotland valid, &c.] All Indian Government promissory notes, and certificates issued or stock created in lieu thereof, being assets of a deceased person, the interest whereon or in respect of which shall be payable in London by drafts payable in India, and which at the decease of the owner thereof shall have been registered in the books of the Secretary of State in Council in London, or in the books of the Governor and Company of the Bank of England, or shall have been enforced in India for the purpose of being so registered before the decease of the owner thereof, and all Indian Government promissory notes issued with coupons attached which, under such regulations and conditions as may be determined from time to time by the Secretary of State in Council, shall be so registered, and all certificates issued or stock created in lieu thereof, shall be deemed and taken to be personal estate and bona notabilia of such deceased person in England, and probate or letters of administration in England, or confirmation granted in Scotland, and sealed with the seal of the Principal Court of Probate in England, in pursuance of the provisions of the "Confirmation and Probate Act, 1858," shall be valid, and sufficient to constitute the persons therein named the legal personal representatives of the deceased, with respect to such notes and moneys as aforesaid.

2. *Transfers of territorial debt and of Indian Government loans not chargeable with stamp duty.*] So much of the fifth section of the said first-recited Act as enacts that every transfer of any part of the said territorial debt in the books of the East India Company in England, whether upon a sale thereof or otherwise, shall be chargeable with a stamp duty of one pound ten shillings and no more, is hereby repealed: and no transfer of any part of the said territorial debt or of Indian Government loans registered and transferable in the

books of the Secretary of State in Council in London, or in the books of the Governor and Company of the Bank of England, shall be chargeable with any Stamp Duty.

3. *Power to raise money under Act 22 & 23 Vict. c. 39, extended to repayment of East India bonds.*] Upon or for the repayment of any principal money secured by the said bonds, the Secretary of State in Council may at any time borrow or raise, by all or any of the modes authorised by the said recited Act passed in the Session holden in the twenty-second and twenty-third years of her present Majesty, chapter thirty-nine, all or any part of the principal money so repaid or to be repaid, and so from time to time as all or any part of the principal money secured by the said bonds may have been repaid or require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money repaid or required to be repaid; and the provisions of the said recited Act with reference to the creation of the capital stock and annuities created under the authority of the said Act, and with reference to the issue, payment, and transfer of the capital stock, annuities, bonds, and debentures issued under the authority of the said Act, shall be held to be in force and to apply to the creation, issue, payment, and transfer of the capital stock, annuities, bonds, and debentures created and issued under the authority of this Act.

CAP. VI.

An Act to transfer to the Postmaster-General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service. [23rd March, 1860.]

WHEREAS it has been deemed expedient that the superintendence and management of the business relating to the packets and other vessels employed in conveying the mails and letters by sea should be transferred from the Department of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, to that of the Postmaster-General, and it is therefore necessary, for the security of the public, to provide for the transfer to the said Postmaster-General of all the interests, powers, and authorities at present existing in the said commissioners by virtue of contracts, bonds, and other securities taken in their department, so far as relates to the packet service and the persons employed therein: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Powers of the Commissioners of the Admiralty under contracts in relation to the packet service transferred to the Postmaster-General.*] From and after the passing of this Act all the interests, rights, powers, and authorities at present existing in the said commissioners, or which might hereafter upon any contingencies or otherwise become vested in the said commissioners or their successors, under any contracts entered into with the said commissioners or any of their predecessors in office, or with any person on their behalf, by any body corporate, company, or person, for the conveyance by sea of mails and letters by steam boats or other ships or vessels, or otherwise in relation to the packet service, or under any bond or other security given for the due execution of any such contract, and also under any bond or other security entered into by any agent, officer, or other person hitherto employed under the said commissioners in relation to the packet service, or entered into by any sureties, either for the due execution of any such contract, or for the due execution of the duty of any such agent, officer, or other person employed as aforesaid, shall be transferred to and vested in the said Postmaster-General for the time being, and shall be acted on, enforced, and carried into effect by such Postmaster-General in the same manner as if he had been contracted with and named in all such contracts, bonds, and securities respectively instead of the said commissioners; and all the orders and directions of the said Postmaster-General shall be as fully observed, obeyed, and performed by the contractors, and by the said agents and officers respectively, as if the same had proceeded from and been issued and given by the said commissioners, and their powers in relation to the packet service had remained in full force.

CAP. VII.

An Act to amend the Medical Acts. [23rd March, 1860.]

WHEREAS by an Act passed in the twenty-first and twenty-second years of the reign of her Majesty, chapter ninety, intituled *The Medical Act*, provision is made for the registra-

tion of members of the medical profession, and the said Act was amended by an Act passed in the twenty-second year of the reign of her Majesty, chapter twenty-one; and certain disabilities are imposed by the said Acts, after a period mentioned therein, on members of that profession who are not then registered: and whereas it is expedient that the said recited Acts should be amended as hereinafter mentioned: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in the present Parliament assembled, and by the authority of the same, as follows:—

1. *Licentiate in surgery of any university in Ireland entitled to be registered under first-recited Act in like manner as Masters in Surgery.*] From and after the passing of this Act the diploma or licence in surgery, granted by any university of that part of the United Kingdom called Ireland, legally authorized to grant the same, shall be considered a sufficient qualification to practise under the first-recited Act, and every person to whom such diploma or licence has been granted shall be entitled to be registered under the provisions of the said first recited Act, in the like manner, and with the like effect, and subject to the like provisions, as are prescribed by the said first-recited Act in respect of the registration of any master in surgery of any university of the United Kingdom.

2. *Certain powers given to medical council extended to this Act.*] The powers given to the medical council in the said first-recited Act with respect to the studies and examinations required for obtaining a qualification under the said Act shall be extended to the studies and examinations required for a qualification under this Act.

3. *1st January, 1861, to be substituted in sections 32, 34, 36, and 37, of first-recited Act, for 1st July, 1859, so far as relates to persons authorised to be registered under this Act.*] The first day of January, one thousand eight hundred and sixty-one, shall be deemed to be substituted in sections thirty-two, thirty-four, thirty-six, and thirty-seven respectively of the said first-recited Act, as the same are amended by the said second-recited Act, for the first day of July, one thousand eight hundred and fifty-nine, so far as the same relate to any person authorised to be registered under this Act; and the said several sections, as so amended, and all the provisions of the said Act having reference thereto, shall, with respect to any such person so authorised to be registered under this Act, be construed and take effect as if the words "the first day of January, one thousand eight hundred and sixty-one" had been originally inserted in each of the said sections instead of the words "the first day of July, one thousand eight hundred and fifty-nine."

4. *No person authorised to be registered disqualified to hold certain offices, unless he has failed to be registered.*] No person authorised to be registered under this Act who shall be acting as medical officer under an order of the Poor Law Commissioners, or Poor Law Board, shall by reason of the said recited Acts, or either of them, be or be deemed to have been disqualified to hold such office, or any appointment mentioned in section thirty-six of the said first-recited Act, unless he shall have failed to be registered on or before the first day of January, one thousand eight hundred and sixty-one.

5. *Recited Acts and this Act to be as one.*] The said recited Acts and this Act shall be construed together as one Act.

6. *Short Title.*] This Act may for all purposes be cited as "The Medical Acts Amendment Act, 1860."

CAP. VIII.

An Act to amend the Law relating to the unlawful administering of Poison. [23rd March, 1860.]

WHEREAS the present law (a) has been found insufficient to protect persons from the unlawful administering of poison, except in cases where the intent is to commit murder: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Administering poison, &c., with intent to endanger life or inflict grievous bodily harm to be felony.*] That whosoever shall unlawfully or maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm (b), shall be guilty of felony, and being convicted thereof shall be liable to be sentenced to penal servitude for any period not exceeding ten years and not

less than three years, or to imprisonment for any term not more than three years, with or without hard labour, at the discretion of the Court.

2. *Any person maliciously administering poison, &c., with intent to injure any other person, to be guilty of a misdemeanor.* [Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing with intent to injure, aggrieve, or annoy such person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be sentenced to imprisonment for any period not exceeding three years, with or without hard labour, at the discretion of the Court, and the costs and expenses of the prosecution of any such misdemeanor may be allowed by the Court as in cases of felony (c).]

3. *Persons charged with felony may be found by jury guilty of misdemeanor.* [If, upon the trial of any person charged with the felony above mentioned, the jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of the misdemeanor above mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon the delinquent shall be liable to be punished in the same manner as if convicted upon an indictment for the misdemeanor.]

OBSERVATIONS ON THE ABOVE ACT.

(a) The present statute law on this subject is to be found in 7 Will. 4, & 1 Vict. c. 85, ss. 2, 3, which provide, however, only for the case of administering, or attempting to administer, poison to another *with intent to commit murder*. By the first-mentioned section, if the administration is complete (as to which see *R. v. Michael*, 9 Car. & P. 356), the punishment by law was capital; and by the third section (taken in connection with 16 & 17 Vict. c. 99, and 20 & 21 Vict. c. 3), the attempt to administer was punishable by penal servitude for life, or not less than fifteen years, or imprisonment with or without hard labour, and solitary confinement to the extent of three years. If the administration be not only complete, but fatal in its results, the case of course becomes one of murder as at common law. The administration of, or attempt to administer, poison with intent other than to commit murder (as to the proof of which intent proof must have been given to the jury, *Reg. v. Cruise*, 8 Car. & P. 541), was not in all cases provided for; though other sections of 7 Will. 4, & 1 Vict. c. 85, dealt with the administration of poison with the intent to *procure abortion*, and also with *shootings, stabbings, and wounding*s, with a variety of different intents short of an intention to commit murder. And another statute (9 & 10 Vict. c. 25) provides for injuries or attempted injuries by explosive substances, "or other dangerous or noxious things," under which last expression it might be argued that poison came; and indeed it will be observed that in the present statute they are classed together, the Act dealing with the administration of poison, "or other destructive or noxious things."

(b) It is to be remarked that the apparent object of the Act (as is evidenced by the preamble) is to draw a broad distinction between the intent to commit murder and other less guilty intent—making the one a felony, and the other a misdemeanor only. Yet this object is not successfully achieved, for though the marginal note to section 1 speaks of an *intent*, the section itself speaks only of an administration which does *in fact* endanger the life or inflicts grievous bodily harm. Apparently, therefore, an administration which is not productive of these consequences, though it may have been intended to produce death, will not come under the present Act, but under the previous one, which is not repealed. The singular result will follow, that such an administration, though abortive, will still be capital, but an administration, in fact attended with dangerous or grievous bodily harm, will be punishable only with penal servitude to the extent of ten years.

(c) It seems doubtful if this provision is intended to super-

sede those of 7 Will. 4, & 1 Vict. c. 85, with regard to procuring abortion by poison, &c. (which is by that Act felony, and may be punished with penal servitude for life). It is also to be remarked that the present Act has no bearing upon the previous law with regard to attempts to administer only. Hence an attempt to administer poison with intent to commit murder will be more penal than actually to administer the same with a like intent, whereby life is endangered or grievous bodily harm inflicted—the one being punishable under 7 Will. 4, & 1 Vict. c. 85, by penal servitude for life, the other under the present Act to the extent of ten years only.

CAP. IX.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [31st March, 1860.]

CAP. X.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [31st March, 1860.]

CAP. XI.

An Act to amend the Law relating to Endowed Schools. [31st March, 1860.]

WHEREAS it is expedient that some restrictions upon the Government and teaching of certain endowed schools should be removed or modified: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Power to trustees of endowed schools to make orders for the admission of children of denominations herein stated.* [It shall be lawful for the trustees or governors of every endowed school from time to time to make, and they shall be bound to make, such orders as, whilst they shall not interfere with the religious teaching of the other scholars as now fixed by statute or other legal requirement, and shall not authorise any religious teaching other than that previously afforded in the school, shall nevertheless provide for admitting to the benefits of the school the children of parents not in communion with the church, sect, or denomination according to the doctrines or formularies of which religious instruction is to be afforded under the endowment of the said school: Provided that in the will or wills, deed or deeds, or other instrument or instruments regulating such endowment, nothing be contained expressly requiring the children educated under such endowment to learn or to be instructed according to the doctrines or formularies of such church, sect, or denomination.]

2. *Act not to apply to certain institutions or to Scotland or Ireland.* [This Act shall not apply to any of the institutions mentioned in section twenty-four of the Act of the third and fourth of Victoria, chapter seventy-seven, entitled "An Act for improving the Condition and extending the Benefits of Grammar Schools," nor to any school established or to be established by or in union with or to be in union with the National Society for promoting the Education of the Poor in the Principles of the Established Church, nor to any institution maintained wholly by voluntary subscriptions, or partly by voluntary subscriptions and partly by school payments, nor to Scotland or Ireland.]

3. *Short title.* [This Act may be cited as "The Endowed Schools Act, 1860."]

OBSERVATIONS ON THE ABOVE ACT.

The above statute is in extension of that passed in the year 1840, for the improvement of English and Welsh endowed schools (both of royal and private foundation), the education in which, at the time when they were first founded, was exclusively confined to *Greek and Latin*; such an education, without instruction in other branches of literature and science (it was observed in the preamble of that Act), though sufficient at the time of foundation, had from the changes of time and other causes become of less value to such persons as were entitled to avail themselves of these charitable foundations; whereby such schools had, in many instances, ceased to afford a substantial fulfilment of the intentions of the founders.

Having thus justified its object of extending and rendering more generally beneficial the system of education in these grammar schools, that Act proceeded to provide that the courts of equity might make decrees or orders for extending the system of education in any such school to useful branches of literature and science, other than Latin and Greek; and for regulating the right of admission into the same, and for the application of its revenues—paying due regard nevertheless to the intentions of the founder. And in many other respects, also, that Act placed endowed grammar schools under the control of the Court of Chancery. This control, however, did not extend so far as to allow of the admission of the children of those who dissented from the church, sect, or denomination according to the doctrines or formularies of which, religious instruction was to be afforded under the school endowment. And it was held, that though the instrument of endowment contained nothing expressly on the subject, the benefits of the school must be confined to those of the founder's own religious tenets. It was felt, however, that no evil, but much good, might result from the admission to participation in these benefits of those not within this class, provided such liberality was not expressly prohibited by the terms of the instrument of endowment; and that to this extent the power might be safely entrusted to the school authorities themselves—that is to say, to its trustees or governors. Accordingly, such is the purport of the present Act the only restriction being, that the previous religious teaching of the other scholars shall remain unchanged, and that none of a different kind shall be set up for the benefit of those newly admitted under the Act. It is to be observed that this alteration of the law, though probably easily to be justified on general principles of philanthropy, does not admit of the same species of defence as was attempted in the preamble of the previous statute. Accordingly, none such is prefixed, but a simple recital substituted, asserting the expediency of removing or modifying the restrictions above explained.

The institutions excepted from this and the previous Act include Eton, Winchester, Harrow, and Rugby.

CAP. XII.

An Act to apply the Sum of Eight hundred and fifty thousand Pounds out of the Consolidated Fund to the Service of the Year ending the the Thirty-first Day of March, One thousand eight hundred and sixty.

[31st March, 1860.]

CAP. XIII.

An Act to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in Yeomanry or Volunteer Corps.

[31st March, 1860.]

WHEREAS the rules and regulations of many benefit societies provide that any member who shall enter himself into the Queen's service by sea or land shall be excluded from such society: and whereas a doubt has arisen whether such a provision applies to members who enrol themselves in yeomanry or volunteer corps: and whereas it is expedient to put an end to that doubt: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Members of benefit societies not to incur forfeiture by enrolment as volunteers.—Provision in case of disputes arising.* No man by reason of his enrolment or service in any corps of yeomanry or volunteers shall lose or forfeit or be deemed to have lost or forfeited any interest he may possess or may have possessed, at the time of his so being enrolled or serving, in any friendly or benefit society, any laws, rules, or regulations of such society to the contrary notwithstanding; and in case any dispute shall arise between any such society and any such man by reason of such enrolment or service, it shall be considered as being a dispute directed by the rules of such society to be decided by justices of the peace, pursuant to the provisions of the Acts in force relating to friendly societies.

CAP. XIV.

An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices.

[3rd April, 1860.]

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely resolved to grant unto your Majesty the several rates and duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Grant of duties on property, &c., for one year.* There shall be charged, collected, and paid for one year, commencing on the sixth day of April, one thousand eight hundred and sixty, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the Session of Parliament held in the sixteenth and seventeenth years of her Majesty's reign, chapter thirty-four, either by assessment, contract of composition, or otherwise, the following rates and duties; that is to say, upon the annual value or amount of any property, profits or gains (except property, profits, and gains described as chargeable under schedule (B.) of the said Act), the rate or duty of twopence for every twenty shillings of the annual value or amount of all such property, profits, and gains respectively; and for and in respect of the occupation of lands, tenements, hereditaments, and heritages described as chargeable under schedule (B.) of the said Act, the rate or duty of fivepence in England, and threepence halfpenny in Scotland and Ireland respectively for every twenty shillings of the annual value thereof.

2. *Duties to be assessed and raised under provisions of former Acts.* The duties hereby granted shall be assessed, raised, levied, and collected under the regulations and provisions of the said last-mentioned Act, and of the several Acts therein mentioned or referred to, so far as the same are or may be applicable, consistently with the express provisions of the Act, and all the powers, regulations, and penalties of the said Acts shall, so far as aforesaid, be applied, enforced, and put in execution with respect to the duties granted by this Act.

3. *The sums assessed under certain schedules for the last year to be taken as the annual value for this Act.—Property, &c., not charged for the last year to be assessed under this Act.* The sum charged as the annual value of any property, profits, or gains in the several and respective assessments made under schedules (A.), (B.), (D.), and (E.), of the said Act, for the year ending on the fifth day of April, one thousand eight hundred and sixty, shall (except as to railways and otherwise, as hereinafter provided) be taken as the annual value or amount of such property, profits, or gains for the year commencing on the sixth day of April, one thousand eight hundred and sixty; and the duties granted by this Act shall be computed and charged according to such annual value or amount, and shall be collected, levied, and paid for the said year commencing on the sixth day of April, one thousand eight hundred and sixty, subject, nevertheless, to be increased, abated, or discharged in like manner as the assessments made for the year ending on the said fifth day of April, one thousand eight hundred and sixty: Provided, whenever it shall appear that any property, profits, or gains chargeable under this Act have not been charged by the assessments made for the said last-mentioned year, such property, profits, and gains shall be assessed to the duties granted by this Act, under the provisions of the said several Acts applicable thereto.

4. *Where since the last assessment property has been divided, proportions of the tax to be settled.* If since the making of any assessment under schedules (A.) and (B.) for the year ending the fifth day of April, one thousand eight hundred and sixty, the lands thereby charged shall have been divided into two or more distinct occupations, the commissioners for general purposes shall, on the appeal of the parties interested respectively, settle and adjust what proportion of the duties granted by this Act under the said schedules shall be paid or borne by each occupier; and the amount apportioned on the respective parties shall be collected and levied in like manner as an original assessment.

5. *Commissioners for special purposes to assess railways.*] No assessment shall be made under this Act by the commissioners for general purposes in respect of the annual value or profits and gains arising from any railway; but in lieu thereof every such assessment shall be made by the commissioners for special purposes, and upon the value or profits and gains for the year ending the fifth day of April, one thousand eight hundred and sixty, and the said last-mentioned commissioners shall notify the assessment to the secretary or other officer of the company upon which the same shall be made, and the amount of such assessment shall be paid, collected, and levied in like manner as any other assessment made by the said commissioners for special purposes.

6. *Commissioners for special purposes to assess persons employed by railway companies.*] In like manner as aforesaid the commissioners for special purposes shall assess the duties payable under schedule (E.) in respect of all offices and employments of profit held in or under any railway company, and shall notify to the secretary or other officer of such company the particulars thereof, and the said assessment shall be deemed to be and shall be an assessment upon the company, and paid, collected, and levied accordingly; and it shall be lawful for the company or such secretary or other officer to deduct and retain out of the fees, emoluments, or salary of each such officer or person the duty so charged in respect of his profits and gains.

7. *Power for persons assessed for mines or quarries to appeal to the special commissioners.*] It shall be lawful for any person assessed to the duty chargeable under schedule (A.) of the said Act in respect of any mine of coal, tin, lead, copper, mundic, or iron, or any other mine, or any quarry of stone or slate, to appeal against any such assessment to the commissioners for special purposes, instead of the commissioners for general purposes, if he shall think fit, and give due notice of his intention so to do, and thereupon such appeal shall be heard and determined by two or more of the commissioners for special purposes, in like manner as any appeal against an assessment of the duties contained in schedule (D.) of the said Acts may lawfully be heard and determined by them; and all powers and authorities, rules and regulations, contained in the said Acts in relation to any such last-mentioned assessment and appeal, and to the carrying into execution and enforcing the determination of the said commissioners for special purposes thereon, shall be exercised and put in force in relation to any appeal by this Act authorised to be made to the said last-mentioned commissioners and their determination thereon.

8. *Duties to be collected and accounted for.*] The several collectors shall pay to the proper officer for receipt or to his deputy all the monies of the said duties collected and levied by such collectors, on the respective days to be appointed by such officer for receipt or his deputy next after the receipt of the said duties by the said collectors, and shall at the same time account for the duties given them in charge respectively, and then payable by law, in like manner as they are now by law required to account half-yearly.

9. *Exemption where income under £100, and abatement where less than £150.*] Any person assessed or charged to any of the duties granted by this Act who shall prove that his aggregate annual income is less than one hundred pounds shall be exempt from the said duties; and any person who shall be assessed or charged to any of the said duties, or shall have paid the same, either by deduction or otherwise, and who shall claim and prove that his total income from every source, although amounting to one hundred pounds or upwards, is less than one hundred and fifty pounds a-year, for the year of the assessment of his profits or gains, shall be entitled to be relieved from so much of the said duties assessed upon or paid by him as shall exceed the rate of sevenpence for every twenty-shillings of his profits or gains, and such relief shall be given in the manner provided or directed in the like cases by the said Act of the sixteenth and seventeenth years of her Majesty, and the Act of the fifth and sixth years of her Majesty, chapter thirty-five, therein mentioned.

10. *Repayment not to be granted unless claimed within three years.*] No claim for repayment of duty under this Act, or any former Act relating to the income tax, shall be allowed, unless it shall be made within three years next after the end of the year of assessment to which the claim shall relate.

11. *Relief in respect of life insurances, &c., continued.*] The clauses and provisions contained in the following Acts, that is to say, the Act of the sixteenth and seventeenth years of her Majesty, chapter thirty-four, section fifty-four, another

Act of the same years, chapter ninety-one, an Act of the eighteenth and nineteenth years of her Majesty, chapter thirty-five, for granting relief to persons who have made such insurances or contracted for such annuities as in the said Acts mentioned, shall be continued in force and be applied for the granting of the like relief in regard to the duties imposed by this Act.

CAP. XV.

An Act for granting to Her Majesty certain Duties of Stamps. [3rd April, 1860.]

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies for defraying your Majesty's public expenses, and making a permanent addition to the public revenue, have freely and voluntarily resolved to grant unto your Majesty the duties hereinafter mentioned; and do humbly beseech your Majesty that it may be enacted, and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Duties on instruments described in the schedule repealed.*] The stamp duties now payable in the United Kingdom of Great Britain and Ireland for or in respect of the several instruments, matters, and things mentioned or described in the schedule to this Act annexed, whereon other duties are by this Act granted, shall respectively cease and determine, and shall be and the same are hereby repealed; provided that the stamp duties now chargeable on any of the said instruments, matters, and things shall be payable in respect of such of them as shall have been or shall be made, signed, or dated at any time before the passing of this Act; save and except that the stamp duties on foreign bills of exchange by this Act granted shall be payable on all such bills as shall, after the passing of this Act, be first negotiated, or, if not negotiated, paid in the United Kingdom.

2. *New duties as set forth in schedule granted.*] There shall be granted, raised, levied, and paid in and throughout the United Kingdom of Great Britain and Ireland, to and to the use of her Majesty, her heirs and successors, for and in respect of the several instruments, matters, and things described or mentioned in the said schedule, or for or in respect of the vellum, parchment, or paper upon which any of them respectively, shall be written, the several stamp duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the said schedule; which said schedule, and the several provisions, regulations, and directions therein contained, with respect to the said duties, and the instruments, matters, and things, charged therewith, shall be deemed and taken to be part of this Act, and shall be applied and put in execution accordingly.

3. *Provisions of former Acts to apply.*] All the powers, provisions, clauses, regulations, directions, allowances, and exemptions, fines, forfeitures, pains, and penalties, contained in or imposed by any Act or Acts, or any schedule thereto, relating to any duties of the same kind or description, heretofore payable in the United Kingdom, and in force at the time of the passing of this Act, shall respectively be of full force and effect with respect to the duties by this Act granted, and to the vellum, parchment, paper, instruments, matters, and things charged and chargeable therewith, and to the persons liable to the payment of the said duties, so far as the same are or shall be applicable, in all cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing, of the said duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually, to all intents and purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the duties by this Act granted.

4. *Personal estate appointed by will under general powers to be chargeable with probate and inventory duties.*] The stamp duties payable by law upon probates of wills and letters of administration, with a will annexed, in England and Ireland, and upon inventories in Scotland, shall be levied and paid in respect of all the personal or moveable estate and effects which any person, hereafter dying, shall have disposed of, by will,

under any authority enabling such person to dispose of the same as he or she shall think fit; and for the purpose of this Act such personal or moveable estate and effects shall be deemed to be the personal or moveable estate and effects of the person so dying in respect of which the probate of the will or the letters of administration with the will annexed of such person are or is granted, or the inventory is or is required to be exhibited and recorded, as the case may be; and such estate and effects, and the value thereof, shall accordingly be included in the affidavit required by law to be made on applying for probate or letters of administration, in order to the full and proper stamp duty being paid (a).

5. *Probate and inventory duties in respect thereof to be a charge on the property.*] The said last-mentioned duties shall be a charge or burden upon the property in respect of which the same are so payable, and shall be paid thereout by the trustees or owners thereof to the person for the time being lawfully having or taking the burden of the execution of the will or testamentary instrument, or the administration or management of the personal or moveable estate and effects of the deceased, for the benefit of the persons entitled to the personal or moveable estate and effects of the deceased (a).

6. *Money secured on heritable property and by heritable bonds in Scotland to be chargeable with probate and inventory duties.*] Money secured on heritable property in Scotland, and money secured by Scotch bonds in favour of heirs and assignees, excluding executors, shall, for the purposes of this Act, be held and interpreted to be moveable property, and shall be included in any inventory to be exhibited and recorded in any Commissary Court in Scotland of the estate and effects of any person deceased entitled thereto, and in England and Ireland respectively shall be deemed to be estate and effects for or in respect whereof any probate of will or letters of administration shall be granted; and every such inventory, probate, and letters of administration shall be chargeable with stamp duty in respect of such moveable property; and such property, and the value thereof, shall be included in any such affidavit as aforesaid made on applying for probate or letters of administration in respect thereof in England or Ireland.

7. *Certain testamentary dispositions in Scotland not to be chargeable with stamp duty.*] Whereas it is considered that certain testamentary dispositions in Scotland are chargeable with stamp duty, and it is expedient that the same should be exempted; be it enacted, that no will, testament, testamentary instrument, or disposition *mortis causa*, shall be chargeable with any stamp duty.

8. *Certain duties in the schedule to be denoted either by impressed or adhesive stamps.*] The duties by this Act granted of one penny and threepence respectively specified in the said schedule, and also of sixpence, therein specified, under the head of cost book mines, may be denoted either by a stamp impressed upon the paper, or by an adhesive stamp affixed thereto; and the Commissioners of Inland Revenue shall provide stamps of both descriptions for the purpose of denoting the said duties; and the provisions and regulations relating to adhesive stamps contained in the next succeeding section of this Act shall apply to all cases where the paper upon which the instrument, document, or writing charged with the duty shall not, at the time of its being written, made, or signed, have thereon the proper impressed stamp for denoting the said duty.

9. *The person making the instruments to affix adhesive stamps, and cancel same.—In default, penalty £20.—No charge for brokerage, &c. to be lawful unless instrument, &c. shall be duly stamped.*] The person who shall make, sign, or issue any instrument, document, or writing in the schedule to this Act mentioned, and chargeable with any of the duties of one penny and threepence, shall, before he shall deliver the same out of his hands, custody, or power, affix to it the proper adhesive stamp denoting the duty chargeable thereon or in respect of it, and shall effectually cancel and obliterate the stamp, by writing upon it his name, or the name of his firm or principal, or the initials thereof respectively, and the date of the day and year on which he shall so write the same, and so in such manner as clearly and distinctly to indicate that the said stamp has already been used, and so that it cannot, without fraud, be again made use of; and if any person who ought so to affix any such stamp, and to cancel and obliterate the same, shall refuse or neglect so to do, or if any person shall receive or take by way of security or indemnity any of the said instruments, documents, or writings, or shall deliver out or authorize the delivery out of any goods, wares, or merchandise to which the same relates, the said instrument, document, or writing not

having a proper adhesive stamp affixed thereto, and cancelled and obliterated as hereby required, every such person shall for every such offence forfeit the sum of twenty pounds; and no charge for brokerage, commission, agency, or otherwise, made or to be made by any broker, agent, or other person in or about the sale or purchase mentioned or referred to in any such instrument, document, or writing made by him, shall be lawful, unless such instrument, document, or writing shall be duly stamped as by this Act is required; provided that no person shall be subject or liable to the said penalty for delivering any goods, wares, or merchandise, under the authority of any unstamped order, in any case where the value of such goods, wares, and merchandise shall therein be stated by the person making, signing, or issuing the same to be under the value of forty shillings.

10. *Penalty for fraudulently stating goods to be under the value of 40s.*] If any person who shall make, sign, or issue any order for, or any writing or document authorizing the delivery of any goods, wares, or merchandise by this Act charged with the stamp duty of one penny, shall knowingly and wilfully state or permit to be stated therein that the said goods, wares, or merchandise are or is under the value of forty shillings, he shall, unless the said order, writing, or document shall, at the time of its being issued, be stamped to denote the said duty, forfeit the sum of twenty pounds.

11. *The person requesting the entry of transfer of any share to affix and cancel an adhesive stamp.—In default, penalty £20.*] The person who shall write or sign any note, instrument, or writing requesting or authorizing the purser or other officer of any mining company conducted on the cost book system to enter or register the transfer of any share or shares or part of any share in any mine, or shall give any notice in writing to such purser or other officer of any such transfer, in whatever form such notice shall be, shall, in like manner as herein-before provided, affix thereto the proper adhesive stamp to denote the duty by this Act charged thereon, and cancel and obliterate the same; and if he shall refuse or neglect so to do, or if the purser or other officer to whom such request, authority, or notice shall be addressed, delivered, sent, or given, shall enter or register the transfer of any share mentioned or referred to in such notice, or shall comply with or in any way give effect to such notice, the same not being stamped as by this Act is required, every such person so offending shall forfeit the sum of twenty pounds.

12. *The payers of bills of exchange, &c. to cancel stamps.—In default, penalty £20.*] Whenever any bill of exchange, draft, or order having thereon an adhesive stamp shall be presented for payment, the person to whom the same shall be presented shall, upon paying the same, write or impress or cause to be written or impressed, upon every stamp affixed to the bill the word "paid," to the end that the stamp may be more effectually cancelled, and made incapable of being used again; and in default of so doing he shall forfeit the penalty of twenty pounds (b).

13. *The stamps on foreign bills to be adhesive.—The provisions of 17 & 18 Vict. c. 83, to be applied.*] The duties by this Act granted upon or in respect of bills of exchange, drafts or orders drawn out of the United Kingdom, shall be denoted by adhesive stamps, in like manner as the duties now payable on bills of exchange drawn out of the United Kingdom; and all the clauses, provisions, directions, regulations, penalties, and forfeitures contained in the Act passed in the seventeenth and eighteenth years of her Majesty's reign, chapter eighty-three, relating to adhesive stamps on bills of exchange drawn out of the United Kingdom, as well as in this Act, so far as the same are applicable, shall be applied and put in force in respect of the stamp duties on bills of exchange by this Act granted, as fully and effectually as if the same were herein repeated and re-enacted.

14. *Penalty on committing frauds in relation to adhesive stamps.*] If any person shall fraudulently remove or cause to be removed, or assist in removing, from any instrument, document, or writing of any kind, any adhesive stamp, or shall affix any stamp which shall have been so removed to any other instrument, document, or writing chargeable with stamp duty, or to any paper, with intent that such stamp might be used again; or if any person shall sell, or offer for sale, or utter any stamp, or shall utter any instrument, document, or writing with any stamp thereon which shall have been so as aforesaid removed, knowing the same to have been removed, or shall practise or be concerned in any fraudulent act, contrivance, or device not specially provided for, with intent to defraud her Majesty of

the duty, he shall forfeit, over and above any other penalty to which he may be liable, the sum of fifty pounds.

15. *Penalty on stamping an agreement under the value of £20 to be £1 only.* Where an instrument or writing chargeable under this Act with the duty of sixpence, as an agreement, shall be unstamped, and it shall appear thereby that the matter thereof is under the value of twenty pounds, the penalty payable to her Majesty, her heirs or successors, on stamping the same, shall be twenty shillings, over and above the said duty, in lieu of the penalty now by law payable on stamping an agreement under hand only.

SCHEDULE referred to containing the duties imposed by this Act.

Schedule.	Duty.
AGREEMENT for a lease or tack of any lands, tenements, hereditaments, or heritable subjects for any term not exceeding seven years; and agreement, minute, or memorandum of agreement, containing the terms and conditions on which any lands, tenements, hereditaments, or heritable subjects are let, held, or occupied for any such term as aforesaid.	The same duty as on a lease or tack for the term, rent, consideration, and conditions mentioned in such agreement, minute, or memorandum.

Provided that any lease or tack of the same lands, tenements, hereditaments, or heritable subjects afterwards made in pursuance of and conformably to any such agreement, minute, or memorandum, which shall have actually paid the duty payable on such lease or tack as aforesaid, shall not be chargeable with any higher stamp duty than two shillings and sixpence, exclusive of progressive duty, notwithstanding any variation in the terms or conditions only, not affecting the stamp duty; and in any such case the lease or tack shall if required for the sake of evidence, be stamped with a particular stamp for denoting or testifying the payment of the full and proper stamp duty on the agreement, minute, or memorandum, on the same and the agreement, minute, or memorandum being produced, and appearing to be executed or signed, and duly stamped in all other respects.

6. AGREEMENT, or any minute or memorandum of an agreement, made in England or Ireland under hand only, or made in Scotland without any clause of registration, and not otherwise charged nor expressly exempted from all stamp duty, where the matter thereof shall be of the value of five pounds or upwards, whether the same shall be only evidence of a contract, or obligatory upon the parties from its being a written instrument; together with every schedule, receipt, or other matter put or endorsed thereon or annexed thereto...

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And where the same shall contain 2,160 words or upwards, then for every entire quantity of 1,080 words contained therein over and above the first 1,080 words a further progressive duty of.....

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Provided always, that where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any of such letters shall be stamped with a duty of one shilling although the same shall in the whole contain any quantity of words exceeding 2,160.

BILL OF EXCHANGE, draft, or order for the payment of money exceeding £4,000 now chargeable with the stamp duty of £2 5s.:

For every £1,000 or part of £1,000 of the money thereby made payable

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BILL OF EXCHANGE (foreign) drawn in a set of three or more for the payment of money exceeding £4,000, where every bill of the set is now chargeable with the stamp duty of fifteen shillings:

Every bill of the set, for every £1,000 or part of £1,000 of the money thereby made payable

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BILL OF EXCHANGE, DRAFT, or ORDER (foreign) drawn or endorsed out of the United Kingdom for the payment of money on demand

The same duty as on an inland bill of exchange for the payment of money otherwise than on demand, according to the amount thereby made payable.

(d) All bills, drafts, or orders for the payment by any banker or person acting as a

banker of any sum of money, though not made payable to the bearer or to order, and whether delivered to the payee or not; and all writings or documents entitling or intended to entitle any person whatever to the payment from or by any banker or person acting as a banker of any sum of money, whether the person to whom payment is to be made shall be named or designated therein or not, or whether the same shall be delivered to him or not, shall respectively be deemed to be bills, drafts, or orders for the payment of money chargeable with stamp duty, as if the same had been made payable to bearer or to order.

Provided always, that any one document or writing, although directing the payment of several sums of money to different persons, shall be chargeable with stamp duty as one order only.

Exemptions.

Any draft or order drawn by any banker upon any other banker, not payable to bearer or to order, and used solely for the purpose of settling or clearing any account between such bankers.

Any letter written by a banker to any other banker directing the payment of any sum of money, the same not being payable to bearer or to order, and such letter not being sent or delivered to the person to whom payment is to be made, or to any person on his behalf; and all warrants or orders for the payment of any annuity granted by the commissioners for the reduction of the national debt, or for the payment of any dividend or interest on any share in the Government or Parliamentary Stocks or Funds, and all drafts or orders drawn by the Accountant-General of the Court of Chancery in England or Ireland, shall be exempt from all stamp duty.

COPY.—Certified copy or extract of or from any register of births, baptisms, marriages, deaths, or burials

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The said duty to be paid by the person requiring any such copy or extract.

Exemptions.

Copies of entries of baptisms, marriages, and burials transmitted to the registrar of the diocese, in pursuance of the 33 Geo. 3, c. 146.

Certified copies of registers sent by superintending registrars to the general registrar, in pursuance of the 6 & 7 Will. 4, c. 86.

And copies or extracts made or given under or in pursuance of the 7 Victoria, c. 13, to amend the laws relating to labour in factories.

COST BOOK MINES.—Any note, instrument, or writing requesting or authorising the purser or other officer of any mining company conducted on the cost book system to enter or register any transfer of any share or shares or part of a share in any mine; or any notice to such purser or officer of any such transfer

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DECLARATION in lieu or in the nature of an affidavit, in any case where, if the same were an affidavit, it would be chargeable with any stamp duty. The same duty as would be chargeable on such affidavit.

DELIVERY ORDER.—Any writing or document commonly called a delivery order, or by whatever name the same shall be designated, entitling or intended to entitle any person therein named, or his assigns, or the holder thereof, to the delivery of any goods, wares, or merchandise of the value of forty shillings or upwards, lying in any dock or port or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such writing or document being signed by or on behalf of the owner of such goods, wares, or merchandise, upon the sale or transfer of the property therein.

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DOCK WARRANT.—Any warrant or document commonly called a dock warrant, or any other writing or document, by whatever name the same shall be designated, which shall evidence the title of any person therein named, or his assigns, or the holder thereof, to the property in any goods, wares, or merchandise lying in any dock or warehouse or upon any wharf, such writing or document being signed or certified by or on behalf of the company or person in whose custody such goods, wares, or merchandise may be

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Exemption.

Any writing or document given by any inland carrier acknowledging the receipt of goods conveyed by such carrier.

LETTER or POWER of ATTORNEY for the sale, transfer, or acceptance of any of the Government or Parliamentary stocks or funds not exceeding the value of £20; or for the receipt of any sum of money, or any cheque, note, or draft of any sum of money, not exceeding £20; or dividends or interest of any such stock or funds, or any other periodical payments not exceeding the annual sum of £10

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OBSERVATIONS ON THE ABOVE ACT.

(a) Sections 4 and 5 of this Act introduce an important change in the law with regard to probate duty. Up to the present time, if A. left personal estate to B. for life with a general power of appointment by will, and in default of the same being exercised with limitations over, the personal representatives of A. paid probate duty on such part of A.'s estate, but on the death of B. after exercising the power of appointment his personal representatives paid no additional duty on the appointed estate; nor was it included or mentioned in the affidavit required by law for obtaining probate or letters of administration. The principle of the decisions establishing this doctrine was that, in such a case, B. was only a channel or conduit pipe from A. to those ultimately taking the estate, and that B.'s estate had already paid the duty on A.'s death. The leading case on this subject is *Drake v. Attorney-General*, reported in the 10th vol. of Cl. & Fin., Reports of Cases in the House of Lords.

(b) An inaccuracy is to be noticed in the wording of this section, which requires the cancellation of the stamp by the person to whom "any bill of exchange, draft, or order," is presented for payment. Such person is required to write the word "paid" on every stamp affixed to the bill, whereas it is evidently intended by the provision, that he should do so whether the instrument be a bill of exchange, a draft, or an order. It may be said that the term "bill" includes in law the term "draft," or "order," but if so, then why distinguish between them in the following section?

(c) This clause is taken *mutatis mutandis* from the schedule to 55 Geo. 3, c. 184. The minimum duty of £1 given by that Act on agreements of the value of £20 and upwards, was subsequently reduced by 7 Vict. c. 21, to 2s. 6d. Under these two Acts, the agreement must not, however, have exceeded 1,080 words, or the above duties were increased proportionately and progressively for every entire quantity of words to that amount. But by 13 & 14 Vict. c. 97, the quantity of words under which the minimum duty was charged only, was increased to the number of 2,160. Here by the present Act the duty is increased in one direction but reduced in another. All agreements whereof the subject matter amounts to the value of £5 are now liable to pay duty instead of, as formerly, those only whose subject matter amounted to the value of £20. On the other hand, 6d. is substituted for 2s. 6d., a change which may be expected to effect the desired object of inducing parties to stamp their agreements in almost every case, instead of waiting until some dispute and litigation arose thereon, and then stamping them on paying the penalty of £10, as fixed by 7 Vict. c. 21.

(d) It will be observed that henceforward cheques drawn payable to "self," and paid over the counter to the drawer must be stamped. Under the former law cheques so drawn and paid were considered as exempt. From the way in which the schedule is printed, the description of the bills, drafts, and orders liable to duty appears as though intended to apply only to foreign bills, &c. It is clear, however, that this is not the case, but that the description is general and applies to bills of exchange, drafts, and orders, whether foreign or inland.

CAP. XVI.

An Act to make further Provision concerning Mortgages and other Dispositions of Property Belonging to Municipal Corporations in England and Ireland.

[16th May, 1860.]

WHEREAS it is expedient to make further provision for mortgages and other dispositions of property belonging to municipal corporations: Be it therefore enacted by the Queen's most excellent Majesty, by and with the consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Treasury, in approving mortgages by municipal corporations, may require money borrowed to be repaid within a limited time, by instalments or by a sinking fund, or by both.* In any case where the Commissioners of her Majesty's Treasury approve of any mortgage of any hereditaments of the body corporate of any borough, the said commissioners may, as a condition of their approval, require that the money borrowed on the security of such mortgage shall be repaid, with all interest thereon, in thirty years, or any less period, and either by instalments or by means of a sinking fund, or both, as the said commissioners may think fit; and in every such case the sums required for providing for the repayment of the principal and interest of the money borrowed shall by virtue of this Act become charged upon the hereditaments comprised in such mortgage (without prejudice to the security thereby created), or any other hereditaments (if any) of the said body corporate, or the borough fund, or the borough or other rates legally applicable for the payment or discharge of the money borrowed, or the expenses which such money may be borrowed to defray, or on all or any of the securities aforesaid, as the said commissioners may direct.

2. *How sinking fund to be raised.* When any money to be borrowed as aforesaid is directed to be repaid by means of a sinking fund, the council of the borough shall, out of the rents and profits of the hereditaments, or out of the borough fund or rates on which the sums required for such sinking fund are charged under this Act, invest or cause to be invested such sums, and at such times and in such government annuities, as the said commissioners may direct, and shall from time to time invest or cause to be invested in like manner all dividends of such annuities, so as to accumulate at compound interest, and all annuities in which such investments are made shall, in the books of the governor and company of the Bank of England and of the governor and company of the Bank of Ireland respectively, be placed to the account of the body corporate, and "in the Matter of the Municipal Corporation Mortgages, &c. Act, 1860," and the dividends of such annuities shall be paid to such person or persons as the said council, by power of attorney under the corporate seal of the borough, from time to time appoint, and shall be invested as herein directed; but the annuities to be purchased shall not be sold or transferred without the consent in writing of the said commissioners, addressed to the chief accountant of the Bank of England or the Bank of Ireland (as the case may require); and the direction in writing of the council of the borough by power of attorney under the corporate seal of the borough, with such consent in writing of the said commissioners, shall be sufficient authority to the governor and company of the Bank of England or the Bank of Ireland (as the case may be) for permitting the transfer of such annuities or any part thereof.

3. *When money paid into the bank, under any Act of Parliament, for purchase of lands, &c., of a municipal corporation, is paid out, Treasury may require provision to be made for replacing the amount.*—Not to apply to money, when provision for its application is contained in any local Act. Where any purchase-money or compensation has been paid into the Bank of England or Ireland, under any Act of Parliament, in respect of any hereditaments, or any interest therein, purchased or taken from any such body corporate, or in respect of any permanent damage to any land of any such body corporate, and the said commissioners approve of the payment of such money or compensation, or of any money to arise from the sale of any Government securities in which the same may have been invested, to such body corporate or their treasurer, the said commissioners may, as a condition of their approval, require provision to be made for raising in manner herein-before provided with respect to a sinking fund for repayment of money borrowed on mortgage, and investing in Government annuities a sum equivalent to the amount of money so paid to such body corporate or their treasurer; and the provisions herein-before con-

tained in the case of a sinking fund, as to the mode of investing, payment of dividends, and transfer of annuities, shall be applicable in the case of investments under this provision; and the said commissioners shall, when it appears to them that an amount of annuities equivalent to the amount paid as aforesaid has been raised by investment under this enactment, direct that the accumulation shall cease; and such annuities and the dividends thereof shall thenceforth be applicable as the same would have been if such annuities had arisen from investment under the Act of Parliament under which such purchase money or compensation as aforesaid became payable: provided always, that this section shall not apply to any money payable to a body corporate, when provision for the application of such money, or of the price or compensation from which such money has been derived, is contained in any local Act of Parliament relating thereto, and the money is to be paid to such body corporate, to be applied in conformity with such provision.

4. *Treasury may, where they authorise a sale of land of any municipal corporation, direct investment of proceeds.*] Where the said commissioners approve of the sale of any hereditaments, or any interest therein, of any such body corporate, their approval may be subject to such conditions for and in relation to the investment of the proceeds of such sale for the benefit of such body corporate as the said commissioners may see fit, and where they direct the same to be invested in government annuities, the provisions hereinbefore contained as to the mode of investing, payment of dividends, and transfer of such annuities, shall be applicable, but not so as to render necessary any accumulation; or if the said commissioners see fit to consent to the application of the proceeds of such sale or any part thereof for the benefit of the inhabitants of the borough, they may as a condition of their consent require the like provision to be made as they are authorised to require in the case of their approval of payment to any such body corporate or their treasurer as hereinbefore mentioned; and this enactment shall apply as well to any money received for equality of exchange by any such body corporate as to the proceeds of the sale of any hereditaments or interest in hereditaments of any such body corporate.

5. *Power to apply certain investments for the benefit of the borough; proviso, setting aside, in certain cases, direction as to investment of proceeds.*] The said commissioners may at any time consent to the application of any annuities arising from investments under either of the two last preceding sections, or of the moneys to arise from the sale thereof or any part thereof respectively, for the benefit of the inhabitants of the borough, and as a condition of their consent may require the like provision to be made as they are authorised to require in the case of their approval of payment to any such body corporate or their treasurer as hereinbefore mentioned, and so from time to time, as often as the said commissioners think fit, and the provisions of this Act shall be applicable accordingly: provided always, that nothing in this Act shall be deemed to make it imperative on the said commissioners to require such provision as aforesaid as a condition of their assent to the application of such annuities or moneys, or to the payment of any purchase money or compensation in respect of hereditaments of a body corporate (or money to arise from the sale of investments thereof), to such body corporate or its treasurer, where, by reason of the application of such annuities or moneys to improvement of the property of such body corporate, or for the permanent benefit of the borough or otherwise, under the special circumstances of the case, the commissioners in their discretion think fit to dispense with such provision.

6. *Provision for cases of mortgage, &c. before the passing of this Act.*] Where before the passing of this Act the Commissioners of her Majesty's Treasury have approved of any mortgage of the hereditaments of the body corporate of any borough, and on such approval have required a sinking fund to be formed from time to time in the name of trustees, or have approved of the payment to any such body corporate or their treasurer of any such purchase money or compensation as aforesaid, or of any money arising from the sale of any Government securities in which the same may have been invested, and have on such approval required provision to be made for raising, by means of investments in the names of trustees, an amount equivalent to the amount paid with such approval to such body corporate or their treasurer, or have approved of the sale or alienation of any hereditaments or interest therein of any such body corporate, and have required on such approval the investment of the proceeds of such sale in the names of trustees, the said commissioners may require any securities in which any such investments may have been

already made to be transferred into the name of such body, and "In the Matter of the Municipal Corporation Mortgages, &c., Act, 1860," or may require any money applicable for the purposes of such sinking fund to be invested in the purchase of government annuities in the name of such body, and "In the Matter of the Municipal Corporation Mortgages, &c., Act, 1860;" and the order in writing of the said commissioners for that purpose shall be a sufficient discharge to such trustees from all claims in respect of the transfer of such securities in pursuance of such order, and the said commissioners may in the respective cases aforesaid give such directions as they might give in the analogous cases hereinbefore provided for, arising after the passing of this Act, or as near thereto as the circumstances of the case may require, and the provisions of this Act shall be applicable accordingly.

7. *Penalty for misappropriation of moneys as stated in 20 & 21 Vict. c. 54.*] If any person authorised to receive the moneys to arise from the sale of any annuities or securities purchased or transferred under this Act, or any dividends, or any other such money as aforesaid, appropriate the same otherwise than as directed by this Act, or by the said commissioners in pursuance thereof, he shall be guilty of a misdemeanor, and shall be subject in respect thereof to the provisions of the Act of the session holden in the twentieth and twenty-first years of her Majesty, chapter fifty-four, applicable to any person guilty of a misdemeanor under that Act.

8. *Councils of cities or boroughs may acquire lands, &c. with the consent of the Treasury.*] In every case in which the council of any city or borough in England, the body corporate of which has not power to purchase or acquire land and hereditaments, or to hold land in mortmain, deem it expedient to purchase or otherwise acquire, for public purposes, any hereditaments, such council shall represent the circumstances of the case to the Commissioners of her Majesty's Treasury, and it shall be lawful for such council, with the approbation of the said commissioners, to purchase or acquire any hereditaments in such manner and on such terms and conditions as may have been approved of by the said commissioners, and such hereditaments may be conveyed to and holden by the body corporate of such borough accordingly; and in any such case as aforesaid, and also in any other case where the said commissioners are satisfied, upon representation of the circumstances, that all or any part of the purchase money of any hereditaments proposed to be purchased for public purposes by the council of a borough should be raised by mortgage or charge as herein-after mentioned, the council may, with the approbation of the commissioners, charge and make liable, by way of mortgage or otherwise, the hereditaments so to be purchased, or any other hereditaments of the body corporate, or the borough fund or borough rates of the borough, or all or any of the securities aforesaid, with the payment of any money necessary for effecting such purchase and interest; and the provisions hereinbefore contained with reference to the approval of mortgages shall be applicable in the case as well of charge on the borough rates or borough fund as of mortgages under this provision; provided that notice of the intention of the council to make such application shall be given, and a copy of the memorial intended to be sent be open to inspection as by law required in the case of a like application in relation to a disposition of hereditaments.

9. *Answer of the Treasury to applications of the council to be published, &c.*] Where any application by the council of any borough is made for the approbation of the said commissioners to any proposed disposition, purchase, or acquisition of any property, and the said commissioners either altogether refuse the application or grant their approbation conditionally, or otherwise qualify the same, notice of the correspondence between the said commissioners and the council shall forthwith and for one month be fixed on the outer door of the town hall, or in some public and conspicuous place within the borough, and a copy of such correspondence shall during the same period be kept in the town clerk's office, and be freely open to the like inspection as by law provided with respect to the copy of the memorial containing such application required to be kept in such office.

10. *Corporations may submit schemes to Commissioners of Treasury for payment of borough mortgage debt.*] Whereas in certain boroughs mortgage debts have been heretofore incurred, for the payment and discharge of which no adequate legal provision now exists: it shall be lawful for the corporation of any such borough to submit to the Commissioners of her Majesty's Treasury any scheme for the discharge of any such debts, by instalments, or by a sinking fund, or by both, extending over any

term of years; and if the said commissioners approve of such scheme, the sums required for providing for the discharge of the debt to which such scheme relates, in the manner proposed therein, shall, by virtue of this Act, become charged upon all or any of the hereditaments of the body corporate, or the borough fund, or the borough rates, or any other rates which would have been applicable to or towards the discharge of such debts, or on all or any of the securities aforesaid, as the said commissioners may approve and direct; and the provisions herein-before contained applicable where provision is made for repayment of money borrowed on mortgage by a sinking fund and instalments, or both, except the limitation to a period of thirty years, shall be applicable to the provision for the discharge of a mortgage debt under this provision; provided that notice of the intention of the council to make application to the said commissioners for the approval of any such scheme shall be given, and a copy of the memorial intended to be sent shall be open to inspection in like manner as in cases of application to the commissioners for their approval of a disposition of hereditaments.

11. *As to payment of debts due under authority of Acts of Parliament.*—And whereas in certain boroughs sundry debts have from time to time been incurred under the authority of Acts of Parliament, with different periods assigned for the discharge of the same; be it enacted, that it shall be lawful for the corporations of such boroughs respectively, with the consent of the Commissioners of her Majesty's Treasury, and with the consent in writing of the persons or bodies corporate to whom such debts respectively may be owing, previously obtained, to consolidate all such sundry debts into one, and thereon to make provision for the discharge of such consolidated debt, by annual instalments or by a sinking fund, or by both, extending over a period not exceeding thirty years, and to make such annual instalments or payments a legal charge upon the borough fund or the borough rates, or any other rates which would have been applicable to or towards the discharge of such debts, or on all or any of the securities aforesaid, as the said commissioners may approve and direct, provided that notice of the intention of the council to make application to the said commissioners for the purpose aforesaid shall be given, and a copy of the memorial intended to be sent shall be open to inspection, in like manner as in cases of application to the commissioners for their approval of a disposition of hereditaments.

12. *Power of local boards in boroughs.* Where in any borough subject to the provisions of the Act passed in the session holden in the fifth and sixth years of the reign of his late Majesty King William the Fourth, chapter seventy-six, and intitled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," a surplus is standing to the credit of the borough fund arising from the rents and profits of the property of the corporation, and not from a borough rate, and such borough is a district within the meaning of the "Public Health Act (1848)," the corporation, acting as the Local Board of Health of such borough, may, with the consent of such corporation, apply such surplus in payment of any expenses that have been previously to the passing of this Act or may hereafter be incurred by them acting as the Local Board of Health of such borough in the improvement of the borough or of any part thereof, by drainage, enlargement of streets, or otherwise, in pursuance of the "Public Health Act (1848)," and the "Local Government Act (1858)," or of one of such Acts.

13. *Not to affect powers under local Acts.* Provided always, that nothing in this Act shall repeal, abridge, or affect any power or authority of any body corporate, or the council of any borough, under any local Act of Parliament relating to such body corporate or borough.

14. *Act to be construed with 5 & 6 W. 4. c. 76, and 3 & 4 Vict. c. 108. (1.)* This Act shall, as regards England, be construed with the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter seventy-six, as one Act; and shall as regards Ireland, be construed with the Act of the session holden in the third and fourth years of Her Majesty, chapter one hundred and eight.

15. *Short title.* This Act may be cited as "The Municipal Corporation Mortgages, &c. Act, 1860."

CAP. XVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. [15th May 1860.]

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "the Acts for the Inclosure,

Exchange, and Improvement of Land," issued their provisional orders for and concerning the proposed inclosures mentioned in the schedule to this Act, and have in their fifteenth annual general report certified their opinion that such inclosures would be expedient; but the same cannot be proceeded with without the previous authority of Parliament: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Inclosures in schedule may be proceeded with.* That the said several proposed inclosures mentioned in the schedule to this Act be proceeded with.

2. *Short title.* In citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use either the expression "The annual Inclosure Act, 1860," or "The Act for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ashley	Southampton	2nd June, 1859.
Horsted Keynes Broadhurst	Sussex	18th May, 1859.
Easington	York	7th July, 1859.
Stokerow	Oxford	21st July, 1859.
Rhos-y-Gad Common	Anglesey	29th July, 1859.
Higlaide Pasture	York	17th November, 1859.
Llanvihangel-y-Croedlin and Gwnws	Cardigan	15th December, 1859.
Ven Ottery	Devon	24th November, 1859.
Bongrood and Llanstephan	Radnor	23rd December, 1859.
Battle Common	Brecon	22nd December, 1859.
Hurteley Common	Hereford	24th November, 1859.
Kennington and Boughton		
Aluph	Kent	12th January, 1860.
Thaxted	Essex	27nd December, 1859.
Broullys Commonable Fields	Brecon	22nd December, 1859.

CAP. XVIII.

An Act to amend the Acts relating to Marriages in England and Ireland, by extending certain Provisions thereof to Persons professing with the Society of Friends called Quakers. [15th May 1860.]

WHEREAS by an Act passed in the session holden in the fifth and seventh years of the reign of King William the Fourth, chapter eighty-five, intituled "An Act for Marriages in England," it was enacted, that the Society of Friends, commonly called Quakers, might continue to contract and solemnize marriage according to the usages of the said society, and every such marriage was thereby declared and confirmed good in law, provided that the parties to such marriage were both of the said society; provided also, that notice to the registrar should have been given, and the registrar's certificate should have issued in manner therein-after provided: and whereas by an Act passed in the session holden in the seventh and eighth years of the present Majesty, chapter eighty-one, intituled "An Act for Marriages in Ireland," and for registering such Marriages, it was enacted, that the Society of the Friends, commonly called Quakers, might continue to contract and solemnize marriage according to the usages of the said society, and that every such marriage should be deemed good in law, provided that the parties to such marriage were both of the said society; provided also, that notice to the registrar should have been given and the registrar's certificate should have issued in manner therein-after provided: and whereas it is expedient to extend and amend the said recited provisions in manner hereinafter mentioned: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Marriages of Quakers may be solemnized in cases where one only or where neither of the parties shall be a member of the Society of Friends, under provisions herein named.* From and after the thirtieth day of June one thousand eight hundred and sixty, marriages may be contracted and solemnized according to the usages of the said Society of Friends, commonly called Quakers, in England and Ireland respectively, not only in the case provided for by the said recited provisions, but also in cases where one only or where neither of the parties to the marriage shall be a member of the said society: provided always, that the party or parties who shall not be a member or members of the said society shall profess with or be of the persuasion of the said society; provided also, that no person who is not a member of the said society shall be married according to the usages thereof, unless he or she shall be authorized thereto under or in pursuance of some general rule or

rules of the said society in England and Ireland respectively, and a copy of such general rule or rules purporting to be signed by the recording clerk for the time being of the said society in London and in Dublin respectively shall be admitted as evidence of such general rule or rules in all proceedings touching the validity of any such marriage.

2. *Enactments now in force to extend to every marriage contracted under the authority of this Act.*] All the enactments now in force, whether contained in the said recited Acts or in any other Act of Parliament, and relating to marriages contracted and solemnized according to the usages of the said society in England and Ireland respectively, and to the registration thereof, so far as the same are not inconsistent with this Act, shall extend and be applicable to every marriage contracted and solemnized by the authority of this Act in England and Ireland respectively, as fully and effectually as if the same enactments were repeated herein.

CAP. XIX.

An Act to extend the Act to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes in Ireland. [15th May 1860.]

WHEREAS an Act was passed in the tenth year of her Majesty, intitled "An Act to facilitate the Improvement of Landed Property in Ireland," and whereas an Act of the twelfth and thirteenth years of her Majesty, chapter twenty-three, was passed "to authorize further advances of money for the improvement of landed property, and the extension and promotion of drainage and other works of public utility, in Ireland;" and whereas another Act of the thirteenth and fourteenth years of her Majesty, chapter thirty-one, was passed "to authorize further advances of money for drainage and the improvement of landed property in the United Kingdom, and to amend the Acts relating to such advances;" and whereas, under the eighth section of the said last recited Act, loans were authorized to be made for the erection of farm buildings in Ireland, and it is expedient to authorize loans to be made in like manner for the erection of dwellings for the labouring classes in Ireland: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. *Loans may be made out of money granted for the improvement of landed property in Ireland for the erection of dwellings for the labouring classes in cases herein stated.*] That out of any money authorized to be advanced for facilitating the improvement of landed property in Ireland, under the said recited Act of the tenth year of her Majesty, or under the said secondly-recited Act, or under such part of the thirdly-recited Act as relates to the improvement of landed property in Ireland, loans may be made for the erection of dwellings for labourers and their families in any case in which it shall appear to the Commissioners for Public Works in Ireland that more or improved accommodation for such labourers is required; and the commissioners, as the condition of such loan, shall require existing dwellings to be removed, if they shall consider such removal expedient, and shall not sanction the erection of any greater number of dwellings by means of such loan than they shall consider sufficient for the accommodation of the labourers required for the proper cultivation of the estate on which any such loan is to be advanced, or of the portion of such estate on which such dwellings are to be erected; and all the provisions of the said recited Act of the tenth year of her Majesty, and the said secondly and thirdly recited Acts, so far as the same are applicable, shall be construed in like manner as if the erection of dwellings, as aforesaid, for the labouring classes had been enumerated in such recited Act of the tenth of her Majesty among the purposes for which loans might be made under that Act.

2. *Term of Act.*] This Act shall continue in force until the expiration of ten years from the passing thereof, and thenceforth until the end of the then next session of Parliament.

CAP. XX.

An Act for raising the Sum of Thirteen million two hundred and thirty thousand Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and sixty. [15th May 1860.]

CAP. XXI.

An Act to amend the Act for better regulating the Business of Pawnbrokers. [15th May 1860.]

WHEREAS by an Act of Parliament passed in the thirtieth and fortieth years of the reign of King George the Third, intituled "An Act for better regulating the Business of Pawnbrokers," it is enacted, that every pawnbroker shall, at the time of the taking of every pawn, pledge, or exchange whatsoever, give to the person or persons so pawning, pledging, or exchanging the same a note or memorandum containing a description thereof, with other particulars, as in the sixth section of the said Act mentioned, and that every such note, where the sum lent shall be less than five shillings, shall be delivered gratis; and whereas it is expedient that amendment should be made with respect to such delivery: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

1. *Pawnbrokers may charge one halfpenny for notes describing things pawned under 10s.*] Upon and from the commencement of this Act it shall be lawful for all persons using and exercising the trade or business of a pawnbroker to take one halfpenny for every such note or memorandum as aforesaid where the sum lent shall be less than ten shillings, anything in the said Act contained to the contrary notwithstanding; and the said sixth section of the said Act shall be read and construed as if it contained no enactment for the delivery of any note or memorandum gratis.

2. *Payment for pawns of 10s. or upwards to remain as stated in sect. 6 of recited Act.*] Provided always, that for every such note or memorandum where the sum lent shall be ten shillings or upwards, the respective sum specified in such behalf in the said sixth section shall and may be taken as heretofore.

OBSERVATIONS ON THE ABOVE ACT.

This is one of those Acts which are from time to time found in the statute book with little or nothing to explain their origin or the grievance they were intended to remedy. It simply appears by the preamble, that whereas, heretofore, pawnbrokers tickets (where less than five shillings are lent) were delivered gratis, the pawnbroker is now to be entitled to charge for every ticket where less than 10s. are lent, the sum of one halfpenny in addition to his usual commission on the loan. At first sight this alteration does not appear of much moment; but when it is recollected how very frequent among the poorer classes is the practice of pledging trifling articles to relieve a temporary pressure—as, for example, an article of clothing on the Saturday to be redeemed the following Monday,—some fear may be reasonably entertained lest this Act should have been smuggled in through the interest of the pawnbrokers as against that of their customers. It is impossible to believe that the charge now authorised will have any tendency to check (supposing a check to be desirable) the practice of pledging goods; and, on the other hand, the very fact of its being thought worth while to obtain such an Act, seems to show that the boon conferred on the pawnbrokers is more considerable than it appears at first sight.

CAP. XXII.

An Act to amend the Laws relating to the Customs. [15th May 1860.]

CAP. XXIII.

An Act to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford University Commissioners. [25th May 1860.]

WHEREAS by an Act passed in the session holden in the seventeenth and eighteenth years of her Majesty, chapter eighty-one, to make further provision for the good government and extension of the University of Oxford, of the colleges therein, and of the College of St. Mary, Winchester, it was provided, that if the powers therein-before granted to colleges should in the case of any college not be exercised, and no ordinance or

regulation for effecting the objects of such powers should be submitted by such college to the commissioners appointed for the purposes of the said Act, and approved of by them, before the first day of Michaelmas Term, one thousand eight hundred and fifty-five, it should be lawful for the commissioners to frame such ordinances and regulations as should appear to them to be necessary or expedient for the purpose of effecting or promoting the objects which the college was therein-before empowered to effect or promote, and such ordinances and regulations, if sanctioned and confirmed as therein-after required, should take effect as statutes of such college; provided, that such ordinances and regulations, when properly settled by the commissioners, should be laid before the college to which the same related, and the visitor thereof, two calendar months before the same were submitted to her Majesty in council, as therein-after directed; and if within the said period of two calendar months two thirds of the governing body of the said college should, by writing under their hand and seal, declare that in their opinion such ordinances and regulations would be prejudicial to the said college as a place of learning and education, then the same should not take effect, but it should be lawful for the commissioners to frame and submit other rules and regulations for the like purpose to the said college, and so on as often as occasion should require; and by the said Act it was provided, that all ordinances and regulations framed by the commissioners, and objected to by two-thirds of the governing body or bodies of the college, school or schools, to which the same respectively related, should, in all cases where new ordinances and regulations should not have been substituted, under the provisions of the said Act, for such as should have been so objected to, be embodied in a report to be transmitted forthwith to one of her Majesty's principal Secretaries of State, and laid before the two Houses of Parliament; and whereas the said commissioners, in the appendix to their report to the Secretary of State bearing date the tenth day of June, one thousand eight hundred and fifty-eight, which has been laid before both Houses of Parliament, have set forth an ordinance framed by them for the purposes of the said Act in relation to the College of St John the Baptist in the said university, and the said commissioners have reported that two-thirds of the governing body of such college have declared by writing under their hand and seal that in their opinion the said ordinance would be prejudicial to the said college as a place of learning and education; and whereas the powers of the said commissioners have expired, no further proceeding can be had on the said ordinance, or for giving effect to the purposes of the Act in relation to the said college: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Power to her Majesty to refer the said ordinance and declaration to a Committee of Privy Council.* It shall be lawful for her Majesty, by order in council, to be made within six months after the passing of this Act, to refer the said ordinance and declaration set forth in the appendix to the said report for the consideration and advice of a committee of five members of her Privy Council, to be named in such order, and of whom two, not including the Lord President, shall be members of the judicial committee.

2. *Power to parties interested to petition her Majesty in relation to the ordinance.* It shall be lawful for the said college and for the governing body of every or any school or place of education affected by the said ordinance, and for every or any corporation or person who would have been authorised to petition her Majesty in council against the approbation of the said ordinance, in case the same had not been objected to by two-thirds of the governing body of the college, and had been laid before her Majesty in council under the said recited Act, to petition, within two calendar months after the passing of this Act, her Majesty in council for the approbation of the said ordinance or of any part thereof, or for the substitution of other regulations (which may be set forth or referred to by any such petition) for giving effect to the purposes of the said Act in relation to the said college, for any or all of the regulations of the said ordinance, or for any other modification of such ordinance, or for the rejection thereof; and every such petition shall be referred to the committee to whom the said ordinance is referred.

3. *The committee to consider the ordinance and the objections, and report to her Majesty.* The committee to whom the said ordinance is referred shall consider the same, and the report of the said commissioners, and the objections of the governing members of the said college in relation thereto, and also any

petition which may be referred to them as aforesaid, and may admit the said college and any petitioner or petitioners to be heard by counsel in support of the objections or of the petitions aforesaid; and such committee, or the major part thereof, shall report to her Majesty their opinion in relation to such ordinance, and whether the same should be approved, with or without modifications, or should be rejected, or whether any other regulations should be substituted for the regulations of the said ordinance; provided that no meeting of the said committee shall be held before the expiration of two calendar months after the passing of this Act, and twenty-one days previous notice of the first of such meetings shall be published in the *London Gazette*.

4. *Ordinance to be laid before Parliament, and if approved by her Majesty to be a statute of the college.* In case such committee or the major part thereof shall report to her Majesty their opinion that such ordinance should be approved, with or without modifications, or that any other regulations should be substituted for the regulations of the said ordinance, the said ordinance or amended ordinance shall be forthwith laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the commencement of the next ensuing Session of Parliament, and, unless an address be within forty days presented by one or other of the said Houses, praying her Majesty to withhold her consent from such ordinance or amended ordinance, or any part thereof, it shall be lawful for her Majesty by order in council to declare her approbation of the said ordinance or amended ordinance, and such ordinance or amended ordinance shall thereupon become a statute of the said college, but such statute shall be without prejudice to any existing interest of any member of such college.

CAP. XXIV.

An Act to remove Doubt as to the Validity of certain Marriages in Extra-parochial Places.

[25th May 1860.]

WHEREAS by a statute passed in the twentieth year of the reign of her present Majesty, entitled "An Act to provide for the Relief of the Poor in Extra-parochial Places," it is enacted, that where any extra-parochial place has belonging to or within it any church or chapel of the Church of England, the bishop of the diocese within which such church or chapel shall be locally situate may, if he think fit, authorise by writing under his hand and seal the publication of banns and the solemnisation of marriage by banns or licence in such church or chapel of persons residing within such extra-parochial place, and such written authorisation shall be registered in the registry of the diocese; and whereas doubt may arise whether, under the said recited Act, it was lawful for the bishop to license chapels for marriages between parties one only of whom should be resident in such extra-parochial place, and whether the licence of chapels, for the marriage of parties resident in such extra-parochial place, authorised marriages between parties one of whom only should be so resident; and whereas it is expedient to remove such doubt: be it therefore enacted and declared by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Marriages may be authorised by the bishop in chapels in extra-parochial places, and such marriages shall be valid.*—*Provided when parties reside in different districts.* The authority given by the bishop in consequence of the said recited Act for the publication of banns, and the solemnisation of marriages by banns or licence, in such church or chapel, shall be construed to extend to and authorise marriages in such churches or chapels, between parties both or either of them being resident in such extra-parochial place, and all such marriages so had shall be deemed valid in like manner as if such extra-parochial place had been a parish; provided that, when the parties to any marriage intended to be solemnised after publication of banns shall reside within different ecclesiastical districts, the banns for such marriage shall be published in the church or chapel authorised under the provisions of the said recited Act, in which the marriage is intended to be celebrated, as well as in the chapel of the other district, licensed under the provisions of one of the statutes in such case made and provided, where one of the parties then is resident, and if there be no such chapel then in the church or chapel in which the banns of such last-mentioned party might be legally published if no such statute had been passed.

2. *Sect. 25 of 6 & 7 Will. 4, c. 85, to apply to this Act.*

The provisions in the statute six and seven William the Fourth, chapter eighty-five, section twenty-five, shall apply to such marriages as in this Act mentioned.

CAP. XXV.

An Act to apply the sum of Nine million five hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty. [25th May 1860.]

CAP. XXVI.

An Act to remove doubts as to the Application of "The Common Lodging Houses Acts" to Ireland, and to amend the Provisions of the same so far as they relate to Ireland. [25th May 1860.]

CAP. XXVII.

An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences. [14th June 1860.]

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several rates and duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *From and after 1st July, 1860, certain duties to be charged for licences herein mentioned.* From and after the first day of July, one thousand eight hundred and sixty, there shall be charged, levied, and paid, unto and for the use of her Majesty, her heirs and successors, for and upon the several licences hereinafter mentioned, the respective rates and duties following; that is to say,

£ s. d.

For every licence to keep a refreshment house—
If the house and premises in respect of which such licence shall be granted shall be under the rent and value of £20 a-year..... 0 10 6

And if the same shall be of the rent or value of £20 a-year or upwards..... 1 1 0

And for every licence to be granted as hereinafter mentioned to any licensed keeper of a refreshment house to sell therein by retail foreign wine to be consumed in such house or on the premises belonging thereto—

If such house and premises shall be under the rent and value of £50 a-year 3 3 0

And if the same shall be of the rent or value of £50 a-year or upwards..... 5 5 0

And for every licence to be taken out by any person for the selling by retail in any shop of foreign and British wine not to be consumed in the house or shop or on the premises where sold—

If the house and premises shall be under the rent and value of £50 a-year 2 2 0

And if the same shall be of the rent or value of £50 a-year or upwards 3 3 0

(a)

(a) The only definition of a "refreshment house" given in the Act is that which may be collected from sects. 6 and 7. It appears from these, (1) that any house, room, shop, or other building, kept open for public refreshment, resort, and entertainment, at any time between 9 p.m. and 5 a.m., and not being licensed for the sale of beer, cider, wine, or spirits, must take out a licence as a "refreshment house" under this Act; and 2. That the keeper of any building in which any victual or refreshment is sold to be consumed, or is in fact consumed on the premises (other than beer, &c., sold under a proper licence), may take out such a licence. Moreover, if a house coming under the last class is also a confectioner's shop or eating-house, wherein is sold and

consumed animal food or other victuals wherewith wine or other fermented liquors are usually drunk, it may also be licensed for the sale and consumption therein of foreign wine by retail under this Act. In such last case, were it not for the present enactment, neither foreign wine or spirits could be sold under heavy penalties, unless both an excise licence and a magistrate's licence had been previously procured. It is to be observed that the previous enactments on this subject contained in the Excise Acts, and in 9 Geo. 4, c. 61, are still in force with regard to spirits, and are relaxed only in favour of wine (as to spirits see the present Act, sect. 25).

2. *Powers and provisions of Excise Acts to apply to the duties granted by this Act.* The duties by this Act granted shall be deemed to be excise duties, and shall be under the care and management of the Commissioners of Inland Revenue for the time being, and all powers, provisions, and regulations, penalties and forfeitures, contained in or enacted by any Act in force in relation to excise duties, shall, in all cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express provisions of this Act, be duly observed, applied, and put in execution for ascertaining the rent or value of any house or premises in respect of which any licence shall be applied for under this Act, and for charging, collecting, and securing the said duties hereby granted, and otherwise relating thereto, as fully and effectually as if the same powers, provisions, and regulations, penalties and forfeitures, were repeated and re-enacted in the body of this Act with reference to such rent or value and to the said duties hereby granted.

3. *Every person keeping a shop entitled to take out a licence to retail wine not to be consumed on the premises.* Every person who shall keep a shop for the sale of any goods or commodities other than foreign wine, or who shall have taken out a licence as a dealer in wine (except persons expressly disqualified by this Act), shall, without producing or having any other licence or authority, be entitled to take out a licence under this Act to sell by retail, and in reputed quart or pint bottles only, in such shop foreign wine not to be consumed on the premises where sold, anything in any former Act to the contrary notwithstanding. (b)

(b) A form of the licence here referred to is given in the schedule (No. 3); it differs from that which may be taken out by a licensed refreshment house keeper, who carries on there the business of a confectioner or eating-house, inasmuch as in a licence under this section, the wine must be sold in reputed quart or pint bottles only, and is not to be consumed on the premises. On the other hand, any shop-keeper (with the few exceptions referred to in the Act) may take out this licence.

4. *What shall be deemed selling by retail.* Every sale of foreign wine in any less quantity than two gallons, or in less than one dozen reputed quart bottles, at one time, shall be deemed to be a selling by retail.

5. *Permitting drinking wine in a neighbouring house, shed, &c., with intent to evade the provisions of this Act, to be deemed drinking on the premises.—Penalty.* If any person licensed to sell wine not to be consumed on the premises shall, with intent to evade the provisions of this Act, take or carry, or authorise or employ or permit or suffer any person to take or carry, any wine out of or from the house, shop, or premises of such licensed person, for the purpose of being sold on his account, or for his benefit or profit drunk or consumed, in any other house, or in any tent, shed, or other premises of any kind whatever belonging to such licensed person, or hired, used, or occupied by him, such wine shall be deemed and taken to have been drunk or consumed upon the premises; and the person selling the same shall be subject to the like penalties as if such wine had been actually consumed in any house or upon any premises licensed only for the sale thereof as aforesaid. (c)

(c) This section scarcely carries out its intention as indicated by the marginal note—viz. to provide against evading the Act by allowing wine to be drunk in a neighbouring house, &c. By the terms of the section the penalties are only to attach, where the wine is carried from the premises of a person who has only taken out a licence under which it may not be consumed

therein,—in order to be drunk on his account or profit in other premises which belong to such person, or are hired, used, or occupied by him. It is obvious, however, that the provisions of the Act in this behalf, might just as easily be evaded by a confederate taking in his own name and occupying the premises in which the wine so carried off is to be consumed.

6. *Persons keeping houses, &c., herein named required to take out licences.* All houses, rooms, shops, or buildings kept open for public refreshment, resort, and entertainment at any time between the hours of nine of the clock at night and five of the clock of the following morning, not being licensed for the sale of beer, cider, wine, or spirits respectively, shall be deemed refreshment houses within this Act, and the resident, owner, tenant, or occupier thereof shall be required to take out a licence under this Act to keep a refreshment house; and every person who shall keep any house, room, shop, or building for the purpose of selling therein any victual or refreshment to be consumed on the premises where the same shall be sold (except beer, cider, wine, and spirits sold respectively under a proper licence in that behalf), and every person who shall keep any house, room, shop, or building for the consumption therein by the public of any refreshment (except as aforesaid), although the same shall not be sold therein, may, if he shall think fit, take out a licence under this Act to keep a refreshment house; and in all proceedings and upon all occasions whatever it shall be sufficient to describe by the term refreshment house any house, room, shop, or building in which any such article as aforesaid (except as aforesaid) is sold to be consumed, or is consumed as aforesaid, without further or otherwise designating or describing the same.

7. *Confectioners and eating-house keepers entitled to take out licences to sell wine to be drunk on the premises.* Every person who shall be licensed to keep a refreshment house, and shall pursue therein the trade or business of a confectioner, or shall keep open such house as an eating-house, for the purpose of selling, to be consumed therein, animal food or other victuals wherewith wine or other fermented liquors are usually drunk, shall be entitled (subject to the terms and conditions of this Act, and not being expressly disqualified thereby) to take out a licence to sell foreign wine by retail in such refreshment house, to be consumed on the premises where the same shall have been sold, without producing or having any other licence or authority than as aforesaid; and every confectioner and eating-house keeper respectively who shall have taken out such licence to retail wine under this Act shall not be subject or liable to any penalty or forfeiture under any other Act or Acts by reason or on account of his selling wine by retail, or having the same in his possession in his entered premises, anything in any other Act or Acts to the contrary notwithstanding.

8. *Wine licences not to be granted for refreshment houses under a certain rent or annual value.—Persons disqualified to hold wine licences.* Provided always, that no licence to sell foreign wine by retail to be consumed on the premises shall be granted for any refreshment house which with the premises belonging thereto and occupied therewith, shall be under the rent and value of ten pounds a year, (d) nor for any refreshment house situated in any city, borough, town, or place containing a population exceeding ten thousand according to the then last Parliamentary census, if such refreshment house, with the premises belonging thereto and occupied therewith, shall be under the rent and value of twenty pounds a year: (e) and no sheriff's officer, or officer executing the legal process of any court of justice, shall be capable of receiving or using any licence under this Act to sell wine by retail to be consumed on the premises; and every licence which shall be granted contrary hereto shall be void to all intents and purposes.

(d) This is the same limit as provided by 4 & 5 W. 4, c. 85, s. 21, in respect of beer and cider licences to sell in any city or town.

(e) This limitation seems to bear somewhat hardly on confectioners and eating-house keepers who may be desirous of taking out licences under s. 7.

9. *Penalty for keeping a refreshment house without licence, £20.* Every person who shall keep a refreshment house for which a licence is required by this Act, without taking out and having in force a proper licence in that behalf granted to him under the authority of this Act, shall forfeit a sum not ex-

ceeding twenty pounds, which penalty shall be recovered as herein-after directed. (f)

(f) This applies only to the night houses mentioned in s. 6

10. *By whom licences under this Act shall be granted.—Forms of licences as in schedule to this Act.* All licences authorised to be granted under this Act shall be granted by and under the hands of the collector or other person having charge of the excise collection, and the supervisor of excise of the district within which respectively the refreshment house or other house or shop for or relating to which any such licence shall be required, or by such other person or persons as the Commissioners of Inland Revenue shall appoint or authorise in that behalf, on payment of the duty chargeable for such licences respectively; and every such licence shall be in the form contained in the schedule annexed to this Act: provided always, that it shall be lawful for the Commissioners of Inland Revenue from time to time to make such alterations therein as they may deem to be necessary, in consequence of any alteration or amendment of the law, in order to make such form of licence conformable to the law for the time being.

11. *Licences: date, expiration, and renewal thereof.* All licences which shall be granted under the authority of this Act between the thirty-first day of March and the first day of May in any year shall be dated on the first day of April, and all licences which shall be granted at any other time shall be dated on the day on which the same shall be granted; and all such licences, whensoever granted, shall have effect on and after the day of the date thereof, until the first day of April then next following, and shall be renewed annually on payment of the duty by this Act charged thereon respectively.

12. *On death of a licensed person, his representative, or widow or child, may be authorised to continue the business for which the licence was granted, for the remainder of the term thereof.* Upon the death of any person licensed under this Act before the expiration of the licence, it shall be lawful for the persons authorised to grant licences to authorise and empower, by endorsement or otherwise, as the Commissioners of Inland Revenue shall direct, the executors or administrators or the widow or child of such deceased person who shall be possessed of and occupy the dwelling house and premises before used for such purpose, to continue the business for which such licence was granted, and to sell in the same house and premises such articles as by the said licence are authorised to be sold therein during the residue of the term for which such licence was originally granted, without taking out any fresh licence or payment of any additional duty thereon, and the person so authorised and empowered shall then be deemed to be a person licensed under this Act, and accordingly subject to the provisions, conditions, regulations, and penalties contained therein.

13. *Notice of first application for a wine licence for a refreshment house to be given to justices, who may object to the granting thereof on grounds to be stated.—No notice of objection to be signed, &c. until the applicant has been heard against the same.* If any person licensed to keep a refreshment house shall be desirous of selling foreign wine by retail to be consumed therein, he shall previously to the granting to him for the first time of a licence for that purpose fill up and sign a requisition for such licence in such form as the Commissioners of Inland Revenue shall provide in that behalf, specifying therein the true Christian and surname and place or places of abode during the last six months of the applicant, the description and situation of the house for which the licence is required, and the true yearly rent or annual value thereof; and such requisition shall be made in duplicate, and delivered to the supervisor of excise for the district in which such refreshment house is situated, who shall forthwith deliver or transmit by post one of such duplicates, together with a notice to the effect herein-after directed, to the clerk of the special sessions in London at the Mansion House of the city of London, if the refreshment house shall be situated within the said city, or the liberties thereof, or to the clerk to the justices of the Court of Petty Sessions holden for the division or place within which such refreshment house is situated, if situated elsewhere than as aforesaid; and every such duplicate shall be accompanied by a notice to the Lord Mayor of the city of London, and such justices respectively, signed by the said supervisor, to the effect that a licence to retail wine will be granted, pursuant to such requisition, on or immediately after a day to be specified in such notice, not less distant than thirty days from the day of the delivery or transmission of the same, unless in the meantime notice in writing, signed by the said Lord Mayor, or by the alderman

of the ward in which the refreshment house is situated, or by the said justices, or a majority of them present in Petty Sessions, as the case may be, shall be received by the said supervisor, to the effect that the said Lord Mayor, alderman, or justices, as the case may be, doth or do object to the granting of the said wine licence, on one or more of the following grounds, specifying the same, that is to say, that the house for which such licence is required is not a confectioner's shop, or an eating-house within the meaning of this Act, or not of the yearly rental or annual value required by this Act, or that it is a disorderly house, or a house frequented by prostitutes or other disorderly persons, or that it is adjudged disqualified for the sale of wine therein, or that the applicant is disqualified from selling wine under the provisions of this Act, specifying the grounds of such disqualification respectively, or that the applicant has within three years been convicted of any offence punishable by imprisonment, or that the applicant having within three years held a licence to keep a beerhouse, common inn, alehouse, or victualling house, has forfeited or been refused a renewal of such licence; and if such notice of objection shall be received by the said supervisor within the time limited as aforesaid, the said licence shall not be granted; but if otherwise, and no such caveat as herein-after mentioned be received by the said supervisor, then such licence shall be granted on payment of the duty by this Act charged thereon, provided the applicant shall be entitled to such licence under the provisions of this Act in other respects: provided always, that no such notice of objection shall be signed or sent by the said Lord Mayor, alderman, or justices until after they respectively shall have summoned the applicant for such licence to show cause, and shall have heard him against the objection to the granting thereof, or he shall have refused or neglected to attend before them respectively to show cause, pursuant to their summons; and every such summons shall specify the grounds of such objection; and it shall be lawful for the said Lord Mayor, alderman, and justices respectively, pending their decision upon any such objection as aforesaid, and before the expiration of the said period of thirty days, to transmit to the said supervisor a notice by way of caveat against the granting of such licence, and in that case the licence shall not be granted if within the further period of thirty days from the receipt of such caveat the objection to the granting of the licence shall be affirmed by the said Lord Mayor, alderman, or justices, and notice thereof shall be given to the said supervisor. (g)

(g) This provision is important, as it limits the number of those who may take out wine licences under s. 6. It provides, in effect, that the magistrates may prevent any person from obtaining such a licence (after hearing him, or giving him the opportunity of being heard) on any one or more of the following grounds:—1. That the applicant does not keep a confectioner's shop or eating-house. 2. That the house is not of the required annual rent or value. 3. That it is a disorderly house, or frequented by prostitutes and other disorderly persons. 4. That the applicant is disqualified by the Act from selling wine (as by being a sheriff's or process officer; see s. 8). 5. That within three years the applicant has been convicted of an offence punishable with imprisonment (this seems hard, if it is intended to exclude minor offences punishable summarily with fine or imprisonment); and 6. That the applicant, within three years, has forfeited or had the renewal refused of a beer house or inn licence from the magistrates.

There seems to be no appeal from the decision of the magistrates as to the supervisor's granting or withholding a wine licence, though by s. 15 an appeal from their decision to that of the quarter sessions is given in the case of their deciding against the renewal of a licence.

14. *Notice to be given of application for licence to retail wine to be consumed on the premises in a house not previously licensed.* Provided always, that every person intending to apply for a licence to be granted under the authority of this Act to retail wine to be consumed on the premises in respect of any house, room, shop, or building not theretofore licensed for the consumption of wine therein, shall affix or cause to be affixed a notice on the door of such house, room, shop, or building, and on the door of the church or chapel of the parish or place in which such house shall be situate, and, where there shall be no

church or chapel, on some other public and conspicuous place within such parish or place, on three several Sundays previous to his application for such licence, at some time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon, and shall serve a copy of such notice upon one of the overseers of the poor, and upon one of the constables or other peace officers of the said parish or place, fourteen days at the least previous to such application; and every such notice, and the copies thereof, shall be written in a fair and legible hand, or printed, and shall be signed by the party intending to make such application, or by his agent thereunto authorised, and shall set forth the situation of the house, shop, or building in a true and particular manner, and the Christian and surname of the party applying, together with the place of his residence, and his trade or calling during the six months previous to the time of serving such notice, and his intention to apply for a licence to retail wine to be consumed in such house or premises.

15. *Justices may object to the renewal of a wine licence if they shall see just cause of objection.* Provided always, that it shall be lawful for the said Lord Mayor and alderman, and for any two justices in petty sessions respectively, after any such wine licence shall have been granted for any refreshment house within their respective jurisdictions, but three months at least before the expiration of such licence, to give notice to the holder thereof to appear before them respectively, and show cause why an objection (stating the grounds thereof) should not be lodged against a renewal of his licence; and if upon the hearing the said Lord Mayor or alderman, or the justices present in petty sessions, or a majority of them (as the case may be), shall see just cause of objection on one or more of the grounds mentioned in the preceding clause, they shall give to the said supervisor of the district within which the said refreshment house shall be situated notice of objection against the renewal of such licence, and shall specify the grounds of objection in such notice; and on the expiration of such wine licence, after such notice as aforesaid given to the supervisor, no renewal thereof shall be granted, unless the decision of the said Lord Mayor or alderman or justices shall be reversed upon an appeal against the same, as hereinafter allowed; (that is to say:) provided always, that it shall be lawful for the holder of the said licence to appeal against the said decision of the said Lord Mayor or alderman or justices to the next general or quarter sessions of the peace which shall be holden for the city or county (as the case may be) after the expiration of ten days from the making of such decision, upon giving seven days previous notice in writing to the said Lord Mayor, alderman, or justices of his intention so to appeal; and the said court of sessions shall hear and finally determine the said appeal, and upon notice of such determination given to the said supervisor, the said licence shall be refused or granted conformably therewith.

16. *A list of licences to be kept by collectors and supervisors for inspection of the justices, and copies of the list to be transmitted to the justices' clerk.* A list or register of every licence granted under the authority of this Act, specifying the name and place of abode of every person licensed, and the name and description of the house for which such licence shall be granted, and whether the licence shall be to keep a refreshment house or for the sale of wine therein, shall be kept at the office or dwelling house of every collector and supervisor of excise in their respective collections and districts; and such list or register shall at all times be produced to and shall be open to the inspection and perusal of any justice of the county or place where such licence shall be granted and where such house shall be situate, and a copy of such list and register shall, once in every six months, be transmitted by every collector and supervisor of excise to the clerk of the magistrates for the district in which such licence shall be granted, and any copy or extract of or from such list or register which shall be at any time required by the clerk to the said justices shall be given to him by such collector or supervisor whenever thereto required.

17. *In case of complaint licensed retailers of wine to produce their licences on requisition of two justices.* In case any complaint shall be laid before two justices of the peace against any person licensed to sell wine by retail under the authority of this Act, for any offence against the tenor of his licence or against this Act, it shall be lawful for the said two justices (if they shall think fit) to require such person to produce his licence before them, for their examination; and if such person shall wilfully neglect or refuse so to do he shall forfeit and pay

any sum not exceeding five pounds, as the said justices shall think proper.

18. *Constables and police officers empowered to visit licensed refreshment houses.—Penalty for refusing them admittance.—Licence to be forfeited on second conviction if justices think fit.* It shall be lawful for all constables and officers of police, when and so often as they shall respectively think proper, to enter into all houses licensed as refreshment houses under the authority of this Act, and into and upon the premises belonging thereto; and if any person licensed to keep a refreshment house, or any servant or other person in his employ or by his direction, shall refuse to admit or shall not admit any constable or officer of police demanding admittance into such refreshment house or upon such premises, the person so licensed shall for the first offence forfeit and pay any sum not exceeding five pounds, together with the costs of conviction, to be recovered before one or more justices of the peace, on information or complaint made within seven days next after the day on which such offence was committed; and it shall be lawful for any two or more justices before whom any such person shall be convicted for the second time of any such offence to adjudge (if they shall so think fit) the licence or licences of such offender in respect of such refreshment house to be forfeited, and that he shall be disqualified from having any licence granted to him under this Act in respect of such house for the space of two years, or for such shorter space of time as they may think proper to adjudge.

19. *Penalty for selling wine by retail without licence.* Every person who shall sell any wine by retail, whether to be consumed on the premises or not, without having a proper licence in force duly authorising him in that behalf, shall, over and above any other penalty to which he may be liable, forfeit the sum of twenty pounds, which shall be denominated an excise penalty. (h)

(h) This applies to persons who ought to take out a licence under sect. 3 or sect. 7.

20. *Additional penalty on unlicensed persons selling wine.* If any person, not being duly licensed to sell wines, shall retail any wine, either to be consumed in or upon the house or premises or off the premises where sold, or if any person shall sell any wine to be consumed in or upon the house or premises where sold without being licensed so to do, such person shall, in addition to any excise penalty to which he may thereby become subject, forfeit the sum of five pounds.

21. *What shall be deemed foreign wine, and what shall be deemed spirits.* All liquor which shall be sold or offered for sale by any person, whether licensed under this Act or not, as being foreign wine, or under the name by which any foreign wine is usually designated or known, shall, as against the person who shall so sell or offer the same for sale, be deemed and taken to be foreign wine; and any fermented liquor containing a greater proportion than forty per centum of proof spirit shall be deemed and taken to be spirits.

22. *Licences to be void on conviction of felony or selling spirits without licence.* Every person who shall be convicted of felony (i) or of selling spirits without licence shall for ever thereafter be disqualified from selling wine by retail, and no licence to sell wine by retail under this Act shall be granted to any person who shall have been so convicted as aforesaid; and if any person shall, after having been so convicted as aforesaid, take out or have any licence to sell wine by retail under this Act, the same shall be void to all intents and purposes; and every person who shall, after being convicted as aforesaid, sell any wine by retail in any manner whatsoever, shall incur the penalty for so doing without licence; and in all such cases, in the prosecution for the recovery of such penalty a certificate from the clerk of assize or the clerk of the peace or person acting as such of any such conviction as aforesaid shall on the trial in such prosecution be legal evidence thereof.

(i) See sect. 13, and the remarks thereon.

23. *Licensed retailers of wine to make entry of houses, &c. with the excise.* Every person licensed to retail wine under this Act shall, in manner directed by the laws of excise in that behalf, make entry with the proper officer of excise of every house, cellar, room, and place for storing, keeping, or retailing of wine, on pain of forfeiting the penalties imposed by the statutes in that behalf for making use of any unentered room or place; and all wine found in any such unentered house, cellar, room, or place shall be forfeited.

24. *Excise officers empowered to enter the premises of licensed retailers of wine.* It shall be lawful for any officer of excise, during the hours in which any house licensed for the retail of wine to be consumed on the premises may be kept open, to enter into every house, cellar, room, or place entered for the storing, keeping, or retailing of wine to be consumed as aforesaid, and to make search for and seize all spirits which may be found in any such house, cellar, room, and place, and to examine all wine kept therein.

25. *Penalty on persons licensed to retail wine having spirits in their entered premises.* If any person licensed to retail wine under this Act shall receive into or keep or have in his possession, in any cellar, room, or place entered for storing, keeping, or retailing wine, any spirits, he shall, in addition to all other penalties, forfeit the sum of fifty pounds, which shall be denominated an excise penalty; and all spirits found in any such entered cellar, room, or place shall be forfeited; and on conviction of any such licensed person in any penalty for having spirits in his possession, or for selling or retailing spirits, the licence of such person for retailing wine shall become null and void, and shall be so adjudged.

26. *Standard measures to be used in the sale of wine.* Every person licensed under this Act to sell wine by retail shall, if required, sell or otherwise dispose of all such wine (except wine in bottle and quantities less than half a pint) by the gallon, quart, pint, or half pint measure, sized or marked according to the standard, and shall also, if required by any guest or customer purchasing such wine, retail the same in a vessel sized or marked according to such standard; and in default thereof he shall for every such offence forfeit the illegal measure, and pay a sum not exceeding forty shillings, together with the costs of the conviction, to be recovered by information or complaint made within seven days next after that on which the offence was committed, before two justices of the peace; and such penalty shall be over and above all penalties to which the offender may be liable under any other Act.

27. *Limitation of hours for opening and closing houses licensed for the sale of wine by retail.—Exception in favour of lodgers.* No person licensed under this Act to sell wine by retail shall have or keep his house open for the sale of wine, nor shall sell any wine, nor shall suffer any wine to be drunk or consumed in or at such house at any time before the hour of five of the clock in the morning, nor after twelve of the clock at night, of any day in the week, in the cities of London or Westminster, or within the boundaries of any of the boroughs of Marylebone, the Tower Hamlets, Lambeth or Southwark, as defined by an Act passed in the second and third years of King William the Fourth, chapter sixty-four; nor, after eleven of the clock at night within any parish or place within the bills of mortality, or within any city, cinque port, town corporate, parish, or place, the population of which, according to the last parliamentary census, shall exceed two thousand five hundred, or within one mile, to be measured as aforesaid, from any polling place used at the last election for any town having a like population, and returning a member or members to Parliament, nor after ten of the clock at night elsewhere; nor shall any such house be open for the sale or consumption therein of any article whatever at any time during which the houses of licensed victuallers now are or hereafter shall be closed on any Sunday, Good Friday, or Christmas Day, or any day appointed for a public fast or thanksgiving; nor at any time between the hours of one and four of the clock in the morning on any day whatever; and if any person licensed as aforesaid shall keep his house open for selling or shall sell any wine, or suffer any wine to be drunk or consumed in or at such house, at any other time than as herein-before prescribed and directed, or shall keep his house open as aforesaid, contrary to any prohibition in this clause contained, he shall forfeit the sum of forty shillings for every offence; and every separate sale shall be deemed a separate offence: Provided always, that nothing in this clause contained shall extend to prevent the keeper of a refreshment house, being duly licensed to retail wine, from selling to any lodger therein any wine at any hour of the day or night, either on Sunday or any other day. (k)

(k) See the analogous provisions with regard to the sale of beer, &c., contained in 18 & 19 Vict. c. 118, repealing 17 & 18 Vict. c. 79.

28. *Houses licensed for the sale of wine to be closed by order of justices in cases of riot, &c.* It shall be lawful for any two justices of the peace acting for any county or place where any riot or tumult shall happen or be expected to take place to

order or direct that every person licensed under the authority of this Act to sell wine by retail in any house within their respective jurisdiction, in or near the place where such riot or tumult shall happen or be expected to take place, shall close his house at any time which the said justices shall order or direct; and every such person who shall keep open his house at or after any hour at which such justices shall have so ordered or directed such house to be closed shall be taken and deemed to have not maintained good order and rule therein, and to be guilty of an offence against the tenor of the licence granted to him.

29. *Penalty on retailers of wine permitting drunkenness, &c., in their houses.—First offence.—Second offence.—Third offence. Penalty for mixing spirits or drugs in wine, or adulterating wine.—First offence.—Second offence.—Penalty on selling wine after conviction of second offence.* Every person licensed under this Act to sell wine by retail who shall permit any person to be guilty of drunkenness or other disorderly conduct in the house or premises mentioned in such licence, or who shall himself be guilty of any such disorderly conduct, shall for every such offence forfeit the respective sums following; and every person who shall transgress or neglect, or shall be a party in transgressing or neglecting the conditions and provisions specified in such licence, or shall allow such conditions or provisions to be in any way transgressed or neglected in the said house or premises, shall be deemed guilty of disorderly conduct; and every person so licensed who shall permit or be guilty of any such disorderly conduct shall for the first offence forfeit any such sum, not less than forty shillings nor more than five pounds, as the justices before whom he shall be convicted of such offence shall adjudge, and for the second offence any sum not less than five pounds nor more than ten pounds, and for the third such offence any sum not less than twenty pounds nor more than fifty pounds; and it shall be lawful for the justices before whom any such conviction for any such second or third offence shall take place to adjudge, if they shall so think fit, that such offender shall be disqualified from selling wine by retail for any term not exceeding five years next ensuing such conviction; and if any person so licensed as aforesaid shall mix or cause to be mixed any spirits or any drugs or other pernicious ingredients with any wine sold in his house or premises, or shall fraudulently dilute or in any ways adulterate any such wine, or shall sell or offer for sale any wine which, to the knowledge of such person, has been so mixed, diluted, or adulterated, he shall for the first offence forfeit any sum not less than ten pounds nor more than twenty pounds, as the justices before whom he shall be convicted of such offence shall adjudge, and for the second such offence he shall be disqualified from selling wine by retail for the term of five years, or forfeit any sum of money not less than twenty pounds nor more than fifty pounds, at the discretion of the justices before whom he shall be adjudged guilty of such second offence; and if any offender convicted of such second offence as last aforesaid shall during such term of five years sell any wine by retail, either in the house and premises mentioned in his licence or in any other place, he shall forfeit any sum not less than twenty-five pounds nor more than fifty pounds, and shall be subject to a like penalty at any and every house or place where he shall commit such offence.

30. *Penalties other than excise penalties recoverable before two justices in petty sessions, within three months after offence committed.—Second offence.—Third offence.* All penalties under this Act, except those denominated excise penalties, shall be recovered upon the information or complaint of a constable or other peace officer before two justices acting in petty sessions, and shall be prosecuted and proceeded for within three calendar months next after the commission of the offence in respect of which such penalty shall be incurred, or within such shorter time as may be herein limited with regard to any particular penalty; and every person licensed under this Act to retail wine, to be consumed on the premises, who shall be convicted before two justices so acting in and for the division or place in which shall be situate the house kept or theretofore kept by such person, of any offence against the tenor of the licence to him granted under this Act, or of any offence for which any penalty is imposed by this Act, shall, unless proof be adduced to the satisfaction of such justices that such person had been theretofore convicted within the space of twelve calendar months next preceding of some offence against the tenor of his licence or against this Act, be adjudged to be guilty of a first offence against the provisions of this Act, and to forfeit and pay any penalty by

this Act imposed for such offence, or if no specific penalty be so imposed then any sum not exceeding five pounds, together with the costs of the conviction; and if such proof as aforesaid shall be adduced that such person had been previously convicted within the space of twelve calendar months next preceding of one such offence only, such person shall be adjudged to be guilty of a second offence against the provisions of this Act, and to forfeit and pay any penalty by this Act imposed for such offence, or if no specific penalty be so imposed then any sum not exceeding ten pounds, together with the costs of the conviction; and if such proof as aforesaid shall be adduced that such person had been previously convicted within the space of eighteen calendar months next preceding of two such separate offences, and if proof shall be adduced to the satisfaction of the justices that such person so charged is guilty of the offence charged against him, such person shall be adjudged to be guilty of a third offence against the provisions of this Act, and to forfeit any penalty imposed by this Act in respect of such offence, or if no such specific penalty shall be so imposed then to forfeit and pay the sum of fifty pounds, together with the costs of the conviction.

31. *Justices may adjudge premises disqualified for sale of wine on proof that within two years last preceding such third conviction, two convictions have taken place.* It shall be lawful for the justices before whom any person holding a licence under this Act for the sale of wine by retail shall be convicted of any offence against the tenor of the said licence, or for which any penalty is imposed by this Act, if proof shall be adduced to their satisfaction that within two years last preceding such conviction two convictions for any such offence of the same person or of any other person licensed in respect of the same house or premises, have taken place, to declare the licence granted in respect of the said house or premises forfeited and void, and to adjudge that no licence for the sale of wine shall be granted to any person whatever in respect of the said house or premises for the term of three years from the date of such adjudication, of which adjudication the justices shall give notice to the supervisor of excise; and any licence for the sale of wine that may be granted in respect of the said house or premises during the said term of three years shall be null and void.

32. *Penalties for offences in refreshment houses.* Every person licensed to keep a refreshment house under this Act who shall (without a licence for that purpose) sell or permit or suffer to be sold within such refreshment house any intoxicating liquor, or shall knowingly suffer any unlawful games or gaming therein, or knowingly suffer prostitutes, thieves, or drunken and disorderly persons to assemble at or continue in or upon his premises, or do, suffer, or permit any Act in contravention of his licence, shall, upon conviction thereof before two justices, pay for the first offence a fine not exceeding forty shillings, for the second offence a fine not exceeding five pounds, and for every subsequent offence a fine not exceeding twenty pounds, or be subject to a forfeiture of his licence, at the discretion of the justices before whom he shall be convicted; and in case of such forfeiture of his licence, such person shall be disqualified for the space of one year then next ensuing from obtaining a fresh licence; and such fresh licence, if obtained within the said year, shall be absolutely null and void to all intents and purposes.

33. *Power to justices to mitigate penalties.* It shall be lawful for the justices before whom any person shall be convicted of any offence against this Act to mitigate, if they shall see cause, any penalty incurred for such offence; provided that where any conviction shall take place on any information exhibited under the laws of excise, such penalty shall not be mitigated to any sum less than one fourth part thereof.

34. *Appeal to the sessions against a second or third conviction.* Provided always, that it shall be lawful for the party convicted of any such second or third offence, to appeal to the general or quarter sessions of the peace then next ensuing, unless such sessions shall be held within twelve days next after such conviction, and in that case to the then next subsequent sessions; and in such case the party so convicted shall, before the convicting justices, forthwith enter into a recognizance, with two sufficient sureties, personally to appear at such general or quarter sessions, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded, which recognizances such justices are hereby authorised to require and take, or in failure of the party convicted entering into such recognizance the conviction shall remain good and valid to all intents and purposes; and the said justices who shall take such recognizance from the party convicted are also hereby required

to bind the person who shall make such charge in a recognizance to appear at such general or quarter sessions as aforesaid, then and there to give evidence against the person so charged, and in like manner to bind any other person who shall have any knowledge of the circumstances of such offence; and it shall be lawful for such court of general or quarter sessions to adjudge such person to be guilty of any such second or third offence against the provisions of this Act, as the case may be, and such adjudication shall be final to all intents and purposes; and it shall be lawful for such court of general or quarter sessions to punish such offender by fine not exceeding the sum of one hundred pounds, together with the costs of such appeal, or to adjudge the licence granted to and held by or on behalf of such offender to be forfeited and void, or to adjudge that no wine shall be sold by retail in the house or premises mentioned in the licence of such offender for the term of two years from the date of such adjudication, or to punish such offender by such fine as aforesaid, and to adjudge such premises to be disqualified for the sale of wine as aforesaid, and such licence to be forfeited and void, and if such licence shall be adjudged to be forfeited and void it shall thenceforth be void accordingly; and whenever in such case or in any other case the licence of such offender shall be adjudged to be void, such offender shall from and after such adjudication be deemed and taken to be incapable of selling wine by retail in any house kept by him for the space of two years, to be computed from the time of such adjudication, and any licence granted to such person during such term shall be void to all intents and purposes.

35. *Court to adjudge costs of appeal in certain cases.* Whenever it shall happen that any appeal in pursuance of this Act shall be dismissed, or that the judgment appealed against shall be affirmed, or that such appeal shall be abandoned, it shall be lawful for the Court to which such appeal shall have been made or intended to have been made, and such Court is hereby required, to adjudge and order that the party so having appealed, or having entered into such recognizance, shall pay to the justices against whose judgment such appeal shall have been made or intended to be made, or to whomsoever they shall appoint, such sum by way of costs as shall in the opinion of such Court be sufficient to indemnify such justices from all costs and charges whatsoever to which such justices may have been put in consequence of the intention or declared intention of such party to appeal; and if such party shall refuse or neglect to pay forthwith such sum, it shall be lawful for the said Court to adjudge and order that the party so refusing or neglecting shall be committed to the common goal or house of correction, there to remain until such sum be paid, or for any time not exceeding six calendar months unless such sum be sooner paid; and in every case in which the judgment so appealed against shall be reversed it shall be lawful for such Court (if it shall think fit) to adjudge and order that the treasurer of the county or place in and for which such justices whose judgment shall have been so reversed shall have acted on the occasion when they shall have given such judgment, shall pay to such justices, or to whomsoever they shall appoint, such sum as shall in the opinion of such Court be sufficient to indemnify such justices from all costs and charges whatsoever to which they may have been so put; and the said treasurer is hereby authorized to pay the same, which shall be allowed to him in his accounts.

36. *Proceedings on appeal to be carried on by the constable, and the expenses of prosecution to be charged on county rates.* In every case in which any appeal shall be made by any person convicted of any offence under the provisions of this Act to the general or quarter sessions, it shall be lawful for the convicting justices, if no other fit and proper person shall appear to prosecute such charge, and to carry on such proceedings as may be necessary to obtain at such session an adjudication thereon, to order that a constable of the city of London police force within the city of London and liberties thereof, or a constable of the metropolitan police force within the metropolitan police district, or if elsewhere the superintendent or inspector of police of the district, or the constable or other peace officer of the parish or place in which the house kept by the person charged shall be situate, to the said justices shall seem fit, shall carry on all proceedings necessary to obtain such adjudication as aforesaid, and to bind any such constable, or the said superintendent or inspector of police, or other peace officer, in a sufficient recognizance so to do; and it shall be lawful for the justices before whom such offender shall have been convicted to order the treasurer of the county or place in and for which such justices shall then act to pay to such constable, superintendent, inspector, or

other peace officer, and to the witnesses on his behalf, such sum or sums of money as to the Court shall appear to be sufficient to reimburse them respectively the expenses which they shall have been severally put to in and about such prosecution, which order the clerk of the peace is hereby directed and required forthwith to make out, and to deliver to such constable, superintendent, inspector, or other peace officer and witnesses respectively, and the said treasurer is hereby authorised and required, upon sight of such order, forthwith to pay to the person authorised to receive the same such money as aforesaid, and the said treasurer shall be allowed the same in his accounts.

37. *Power to Lord Mayor, alderman, or justices of the peace to summon witnesses and examine them on oath.* It shall be lawful for the said Lord Mayor or alderman, and for the justices of the peace before whom respectively any question shall be depending touching any objection against the granting or renewing of a licence under the provisions of this Act, to summon witnesses on behalf of either party to such question, and to examine all such witnesses on oath, and to do and perform all things necessary for the due and proper hearing and determination of such question, and also to order payment of fees, allowances, and reasonable expenses to their clerks, and to all witnesses, constables, and other persons by whom any duties shall have been performed or expenses or loss of time incurred respectively under this Act; and the amount of such fees, allowances, and expenses shall be ascertained according to the tables of fees and allowances for the time being in force in the county, city, or borough respectively within which the refreshment house in question shall be situate; and the order for payment may be made at the discretion of the said Lord Mayor, alderman, or justices, either wholly or partially, on the applicant or on the objector, or if the equity of the case shall seem so to require, then on the treasurer of the county, city, or borough aforesaid, who shall be reimbursed out of the county or borough rate; and the provisions of the Act passed in the eleventh and twelfth years of the reign of her Majesty, chapter forty-three, for the recovery of costs ordered by justices in petty sessions to be paid, shall apply to all costs, allowances, and expenses ordered to be paid under this Act.

38. *Penalty on witnesses refusing to attend or to give evidence.* Any person summoned as a witness to give evidence before the said Lord Mayor or alderman, or any justice or sessions, touching any matters arising under this Act, either on the part of the complainant or of the person accused, or of any person interested in any such matter, who shall neglect or refuse to appear at the time and place for this purpose appointed, and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such Lord Mayor or alderman or justices or sessions, or who appearing shall refuse to be examined on oath or affirmation and give evidence, shall, on conviction, forfeit and pay any sum not exceeding ten pounds for every such offence.

39. *Penalty for harbouring constables while on duty.* Every person licensed to sell wine, spirits, beer, cider, or any other fermented or distilled liquors by retail, who shall be drunk or consumed on the premises, who knowingly harbours or entertains, or suffers to remain in the place wherein he carries on his business, any constable during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance or restoring order, shall for every such offence be liable to a penalty not exceeding twenty shillings.

40. *Penalty on drunkards guilty of riotous or indecent behaviour.* Every person found drunk in any street or public thoroughfare, and who while drunk is guilty of any riotous or indecent behaviour, shall, upon summary conviction of such offence before two justices, be liable to a penalty of not more than forty shillings for every such offence, or may be committed, if the justices or magistrate before whom he is convicted think fit, instead of inflicting on him any pecuniary penalty, to the House of Correction for any time not more than seven days.

41. *Penalty on drunken and disorderly persons refusing to quit licensed houses on request.—Constables to assist in expelling them if required.* Any person who shall be drunk, riotous, quarrelsome, or disorderly in any shop, house, premises, or place licensed for the sale of beer, wine, or spirituous liquors by retail to be consumed on the premises, or for refreshment, resort, and entertainment under the provisions of this Act, and shall refuse or neglect to quit such shop, house, premises, or

place upon being requested so to do by the manager or occupier, or his agent or servant, or by any constable, shall, on conviction thereof before one justice, be liable to pay a fine not exceeding forty shillings; and all constables are hereby authorised, empowered, and required, on the demand of such manager, occupier, agent, or servant, to assist in expelling such drunken, riotous, quarrelsome, and disorderly persons from such shops, houses, premises, and places.

42. *Provisions of 11 & 12 Vict. c. 43, to be applied in the recovery of penalties under this Act.* And with regard to all penalties incurred under this Act, except the penalties herein denominated excise penalties, all the provisions contained in the Act passed in the eleventh and twelfth years of her Majesty, chapter forty-three, relating to proceedings for the recovery of penalties by summary conviction, and to appeals against such convictions, and the levying and enforcing of penalties, and the costs of such proceedings, shall be applied and put in force in relation to the penalties by this Act imposed.

43. *How excise penalties under this Act are to be recovered, &c.* The penalties imposed by this Act denominated excise penalties shall be recovered, levied, mitigated, and applied by the same ways, means, and methods, and in like manner, as penalties may be recovered, levied, mitigated, and applied under the laws of excise in that behalf.

44. *Covenants against houses, &c., being used as public houses to extend to persons licensed to sell wine under this Act.* Provided always, that any covenant or clause of restriction contained in any lease or contract between a landlord and tenant, whereby the trade or business of a vintner is prohibited from being carried on in any house, building, or place mentioned or comprised in such lease or contract, or whereby any such house, building, or place, is prohibited from being used as a public house, shall be construed to apply and extend to every person who shall be licensed to sell wine to be consumed on the premises under the provisions of this Act, and to any house specified in the licence granted to such person.

45. *Act not to affect the two Universities, or the Vintners' Company in London, or the borough of St. Albans.* Nothing in this Act contained shall extend to alter or in any manner to affect any of the rights or privileges of the Universities of Oxford or Cambridge, or the powers of the chancellors or vice-chancellors of the same, as by law possessed under the respective charters of the said universities or otherwise, or the master, wardens, freemen, and commonalty of the vintners of the city of London, except as to those freemen of the said Company of Vintners who have obtained the same by redemption only, or the mayor or burgesses of the borough of St. Albans in the county of Hertford, or their successors.

46. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

SCHEDULES.

No. 1.

Form of Licence to the Keeper of a Refreshment House.

We, the undersigned, being the collector and supervisor of excise for the collection of — and district of —, do hereby authorise and empower —, now being a householder, and dwelling in a house in — in the parish of —, within the limits of the said collection and district, to keep open the said house as a refreshment house, and to sell any victual or refreshment to be consumed therein, and in the premises thereunto belonging (provided that for the sale of any excisable liquor he shall have in force a proper licence granted to him in that behalf), and for this licence he hath paid the sum of —, the said house and premises being of [or under, as the case may be] the value of twenty pounds a year; and this licence is granted upon condition that the said — do not wilfully or knowingly permit any drunkenness, or any violent or quarrelsome or other disorderly conduct, in his house or premises, nor knowingly suffer any unlawful games or any gaming whatsoever therein, nor knowingly suffer or permit persons of known bad character to assemble and meet together therein, but do maintain good order and rule therein: And this licence shall continue in force from the — day of — until the first day of April next ensuing, and no longer; and this licence shall cease and determine, and shall become void, in case any of the conditions or regulations contained therein shall be transgressed or shall not be observed by the said —.

Given under our hands, this — day of —, 186 .

, Collector.
, Supervisor.

No. 2.

Form of Licence to the Keeper of a Refreshment House to sell therein Wine by Retail to be consumed on the Premises.

We, the undersigned, being the collector and supervisor of excise for the collection of — and district of —, do hereby authorise and empower —, now being a householder, and dwelling in a house in —, in the parish of —, within the limits of the said collection and district, for which he has taken out a licence as a refreshment house, to sell therein foreign wine by retail, in order that it may be consumed in the said re-

freshment house and in the premises thereunto belonging, and for this licence he hath paid the sum of —, the said house and premises being of [or under, as the case may be] the value of fifty pounds a year: And this licence is granted upon condition that the said — do not mix or cause to be mixed any spirits, or any drugs or other pernicious ingredients in any wine sold in his said house and premises, nor fraudulently dilute, or in any ways adulterate any such wine, nor sell or offer for sale any wine which to his knowledge has been so mixed, diluted, or adulterated; nor use in selling any wine any measures which are not of the legal standard; nor wilfully or knowingly permit any drunkenness, or any violent or quarrelsome or other disorderly conduct, in his house or premises; nor knowingly suffer any unlawful games or any gaming whatsoever therein, nor knowingly suffer or permit persons of known bad character to assemble and meet together therein, but do maintain good order and rule therein; nor have or keep his house or premises open for the sale of any victual, refreshment, or wine, nor sell any victual, refreshment, or wine, nor suffer the same to be consumed or drunk in or at such house or premises, at any time before the hour of four o'clock in the morning nor after any hour of the clock at night prohibited by the Act 23d Victoria, cap. [this Act], nor have or keep his house or premises open for the sale or consumption therein of any article whatever at any time during which the houses of licensed victuallers are required by law to be closed on any Sunday, Christmas day, or Good Friday, or any day appointed for a public fast or thanksgiving, except to a lodger therein; and this licence shall continue in force from the — day of — until the first day of April next ensuing, and no longer: Provided and upon condition that the said — shall not in the meantime become a sheriff's officer, or officer for executing the process of any court of justice; and this licence shall cease and determine and shall become void in case any of the conditions or regulations contained therein shall be transgressed or shall not be observed by the said —.

Given under our hands, this — day of — 186 .

, Collector.
, Supervisor.

No. 3.

Form of Licence to sell Wine by Retail, not to be consumed on the Premises.

We, the undersigned, being the collector and supervisor of excise for the collection of — and district of — do hereby authorise and empower —, now keeping a shop for the sale of goods and commodities at —, in the parish of —, within the limits of the said collection and district, to sell therein foreign and British wine by retail, and in reputed quart or pint bottles only, and not to be consumed in the house or shop or on the said premises where sold, and for this licence he hath paid the sum of —, the house and premises being of [or under, as the case may be] the value of fifty pounds a year; and this licence is granted upon condition that the said — do not mix or cause to be mixed any spirits or any drugs or other pernicious ingredients in any wine sold in his shop or premises, nor fraudulently dilute or in any ways adulterate any such wine, nor sell or offer for sale any wine which to his knowledge has been so mixed, diluted, or adulterated; and this licence shall continue in force from the — day of — until the first day of April next ensuing, and no longer.

Given under our hands, this — day of — 186 .

, Collector.
, Supervisor.

CAP. XXVIII.

An Act to repeal the Act of the Seventh Year of King George the Second, Chapter Eight, commonly called "Sir John Barnard's Act," and the Act of the Tenth Year of King George the Second, Chapter Eight.

[14th June, 1860.]

WHEREAS an Act was passed in the seventh year of the reign of King George the Second, chapter eight, to prevent the practice of stock-jobbing, and by another Act passed in the tenth year of the said king's reign, chapter eight, the said first-mentioned Act was made perpetual: and whereas the said Acts impose unnecessary restrictions on the making of contracts for the sale and transfer of public stocks and securities, and it is therefore expedient to repeal the same: Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Recited Acts repealed.* From and after the passing of this Act the said two several Acts before mentioned shall be, and the same are hereby repealed.

OBSERVATIONS ON THE ABOVE ACT.

The provisions of Sir John Barnard's Act, made in the year 1734, were very stringent in their character. The Act itself purported to be intended to prevent the "infamous" practice of stock-jobbing; and we may guess at the nature of the evils it was intended to rectify, by the accounts given of the excesses of the brokers and jobbers in the funds, at the commencement of the 18th century. Thus Smollett, in his continuation of Hume's history, tells us that stock-jobbers and others of the class who distinguished themselves by the name of the "monied interest" had, about that period, run into the "most absurd and illiberal extravagance." The Act itself, which is now repealed, rendered void all contracts on which any premium should be

given for liberty "to put upon or to deliver, receive, accept, or refuse" any public stock or securities, and all wagering contracts and contracts in the nature of "putts and refusals." Moreover, persons entering into such contracts were made liable to a penalty of £500, to be recovered in a *qui tam* action. And further, the practice "of compounding or making up differences for stocks and other bought and sold securities," was prohibited under penalties; and it was enacted, that every contract concerning the same must be specifically performed as agreed, and the price actually paid thereon. And there were other provisions prohibiting, under a penalty, persons from selling and disposing of stocks or other securities of which they were not possessed, and requiring all contracts for stock to be duly entered in the broker's books.

There have been, as might be expected, many actions brought under the above provisions, some of them giving rise to questions decided by the Courts, as to their proper construction. This class of cases will now not occur; but it may be mentioned, as a curious illustration of the anxiety evinced by the Courts to confine within its narrowest limits an Act the policy of which was at best doubtful, that neither time bargains in foreign funds nor dealings in railway shares were held within its restrictions; and that, although a contract to sell or transfer stock was void, if the person contracting was not, at the time, actually possessed of the same, it was no answer to an action for the price of stock actually sold and transferred that, at the time of sale and transfer, the plaintiff was not actually possessed of or entitled to the stock in his own right.

CAP. XXIX.

An Act to amend an Act relative to malicious Injuries to Property. [14th June, 1860.]

Whereas an Act was passed in the session of Parliament held in the seventh and eighth years of the reign of his late Majesty George the Fourth, chapter thirty, intitled an Act for consolidating and amending the laws of England relative to malicious injuries to property: and whereas it is expedient to amend the said Act, and in certain cases to make further and better provisions: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same:

1. *Persons damaging steam engines, &c. used in working mines guilty of felony, and liable to punishments as in recited Act.* That if any person shall unlawfully and maliciously pull down or destroy or damage with intent to destroy or to render useless, or shall stop, obstruct, or hinder the working of any steam engine or other engine, or of any appliance or apparatus in connection therewith, for sinking, draining, or working any mine, or for in anywise assisting in the working thereof, with intent thereby to destroy or damage such mine, or to hinder or obstruct or delay the working thereof, every such offender shall be guilty of felony, and being convicted thereof shall be liable to any of the punishments as may be awarded for any or either of the offences named in the sixth section of the said recited Act.

2. *As to offences within the jurisdiction of the Admiralty.* Where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England and Ireland, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony committed within that jurisdiction.

OBSERVATIONS ON THE ABOVE ACT.

This Act is by way of supplement to the general statute "for consolidating and amending the laws in England relative to malicious injuries to property" (7 & 8 Geo. 4, c. 30). One class of the injuries specifically provided against in that Act were malicious injuries to mines (sect. 6), but this was held not to include injuries to the engines or machinery employed in working mines, which by the present Act are accordingly made a felonious offence and equally penal with injuries to the mines themselves; the punishment being penal

servitude or imprisonment, and, if a male, whipping at the discretion of the Court (see 16 & 17 Vict. c. 99, and 20 & 21 Vict. c. 3). It may be observed that in the General Repealing Act 7 & 8 Geo. 4, c. 27, is to be found one (9 Geo. 3, c. 19), especially providing against the destruction of engines &c., belonging to mines.

As to the provisions with regard to felonies under this Act of the present session, committed within the Admiralty jurisdiction, it may be remarked that they will be triable at the Central Criminal Court by the effect of 4 & 5 Will. 4, c. 36, which makes the judge of the Admiralty one of the judges of that court, or by the effect of 7 & 8 Vict. c. 2 as the ordinary assizes.

CAP. XXX.

An Act to enable a Majority of Two Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District. [3rd July, 1860.]

WHEREAS it is expedient that facility should be given for the purpose of effecting local improvements beneficial to the health and comfort of the people: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Ratepayers may hold land, &c. for purpose of forming public walks, &c., and levy rates for maintaining the same, &c.* It shall be lawful for the ratepayers of any parish maintaining its own poor, the population of which, according to the last account from time to time taken thereof by the authority of Parliament, exceeds five hundred persons, to purchase or lease lands, and to accept gifts and grants of land, for the purpose of forming any public walk, exercise or play ground, and to levy rates for maintaining the same, and for removal of any nuisances or obstruction to the free use and enjoyment thereof, and for improving any open walk or footpath, or placing convenient seats, or shelters from rain, and for other purposes of a similar nature.

2. *Adoption of Act, according to 9 & 10 Vict. c. 74.* The Act may be adopted for any borough, or for any parish having a population of five hundred or upwards, (according to the last account for the time taken by authority of Parliament,) in the same manner as the Act of the ninth and tenth Victoria, chapter seventy-four, may be adopted in such borough or parish.

3. *As to public baths and wash-houses.* Where the Act is adopted in a borough or in such a parish, the provisions of the Act of the ninth and tenth Victoria, chapter seventy-four, for the purposes below specified applicable in the like cases where that Act is adopted, shall take effect for the purposes of the Act, viz.: all the provisions concerning,

1. The authority by which and the manner in which the Act is to be carried into execution;
2. The mode of providing the expenses of carrying the Act into execution (excluding the provisions for borrowing money for such expenses);
3. The appointment (in the case of a parish) of commissioners, the tenure of office and procedure, and the audit of their accounts;
4. The powers of the councils and commissioners for the purposes of the Act (except the powers of borrowing money).

4. *Ratepayers after notice given, to rate parishes.* After the adoption of this Act it shall be lawful for the ratepayers in meeting assembled to rate such parish to a separate rate, to be called the "Parish Improvement Rate;" provided that such rate be agreed to by a majority of at least two thirds in value of the ratepayers assembled at such meeting.

5. *Corporate bodies may attend and vote.* Corporate bodies shall be allowed to attend meetings to be held as aforesaid and to vote thereat by some person to be deputed by them for that purpose under their corporate seal.

6. *One half of estimated cost to be raised by subscription.* Provided always, that previous to any such rate being imposed a sum in amount not less than at least one-half of the estimated cost of such proposed improvement shall have

been raised, given, or collected by private subscription or donation.

7. *Amount of rate.*] Such rate shall not exceed sixpence in the pound.

CAP. XXXI.

An Act to repeal a certain Enactment for restraining the Governor and Company of the Bank of Ireland from lending Money on Mortgage. [3rd July, 1860.]

CAP. XXXII.

An Act to abolish the Jurisdiction of the Ecclesiastical Courts in Ireland in Cases of Defamation, and in England and Ireland in certain Cases of Brawling. [3rd July, 1860.]

WHEREAS it is expedient to abolish the jurisdiction of the Ecclesiastical Courts of England and Ireland over persons not in holy orders in suits for brawling, and to abolish the jurisdiction of the Ecclesiastical Courts of Ireland in suits for defamation, as hath already been done with respect to the like jurisdiction in England: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same:

1. *Jurisdiction of Ecclesiastical Courts in suits for defamation and brawling abolished as against persons not in holy orders.*—Persons in custody for defamation, &c., under order of Ecclesiastical Courts to be discharged.—Order for discharge not to be made until costs lawfully incurred are paid.] That it shall not be lawful for any Ecclesiastical Court in England or Ireland to entertain or adjudicate upon any suit or cause of brawling commenced after the passing of this Act against any person not being in holy orders, nor shall it be lawful for any Ecclesiastical Court in Ireland to entertain or adjudicate upon any suit or cause of defamation commenced as aforesaid: (a) and in the case of every person committed or to be committed to gaol under any writ de contumace capiendo, issued in consequence of any proceedings before any Ecclesiastical Court in any cause or suit for defamation of character, or where such person is not in holy orders for brawling, (b) the judge of the Ecclesiastical Court before whom such proceedings shall have been had, shall make an order upon the officer in whose custody such person shall be at any time hereafter for discharging such person out of custody, and such officer shall on the receipt of such order forthwith discharge such person; and it shall not be necessary for such person to take any oath of future obedience to his or her ordinary: provided always, that such order shall not be made unless the costs lawfully incurred in any such suit shall have been previously paid into the registry of such Ecclesiastical Court: provided further, that where any such suit for brawling or defamation has been commenced before the passing of this Act, and final judgment has not been given thereupon, or where final judgment has been given, but the defendant has not been taken under a writ de contumace capiendo pursuant to such judgment, the Court, upon payment by the defendant of the costs of suit incurred by the promoter of the office of the Judge to the time of the passing of this Act, shall stay all further proceedings therein.

(a) It appears from the report of the Commissioners on Ecclesiastical Courts dated 15 July, 1832 (p. 13), that the offence of "brawling" by laymen (including laying violent hands and other irreverent conduct in the church or churchyard) was punishable in the ecclesiastical courts by monition, penance, excommunication, and suspension *ab ingressu ecclesie*. This was under the 5 & 6 Ed. 6, c. 4, which (with respect to laymen) is repealed by the present Act. Formerly those courts also entertained suits for defamation, but (as it is apprehended) only in the cases where incontinency was wrongfully imputed (see *Evans v. Gwyn*, 5 Q. B. 844). However, their jurisdiction in England and Wales in suits for defamation was taken away by 18 & 19 Vict. c. 41.

(b) This clause, with regard to the discharge of laymen in custody on a charge of brawling, is taken from 18 & 19 Vict. c. 41.

2. *Penalty for making a disturbance in churches, chapels, churchyards, &c.*] Any person who shall be guilty of riotous,

violent, or indecent behaviour, in England or Ireland in any cathedral church, parish or district church or chapel of the church of England and Ireland, or in any chapel of any religious denomination, or in England in any place of religious worship duly certified under the provisions of the eighty-first chapter of the statute passed in the session of Parliament of the eighteenth and nineteenth years of the reign of her present Majesty, intituled an Act to amend the law concerning the certifying and registering of places of religious worship in England, whether during the celebration of divine service or at any other time, or in any churchyard or burial ground, or who shall molest, let, disturb, vex, or trouble, or by any other unlawful means disquiet or misuse any preacher duly authorized to preach therein, or any clergyman in holy orders ministering or celebrating any sacrament or any divine service, rite, or office in any cathedral, church, or chapel, or in any churchyard or burial ground, shall on conviction thereof before two justices of the peace be liable to a penalty of not more than five pounds for every such offence, or may, if the justices before whom he shall be convicted think fit, instead of being subjected to any pecuniary penalty, be committed to prison for any time not exceeding two months. (c)

3. *Offenders may be immediately after offence committed apprehended, &c.*] Every such offender in the premises after the said misdemeanor so committed immediately and forthwith may be apprehended and taken by any constable or churchwarden of the parish or place where the said offence shall be committed, and taken before a justice of the peace of the county or place where the said offence shall have been so committed, to be dealt with according to law. (c)

(c) These provisions are intended to impose an additional check on such unseemly disorders as have lately prevailed in one of our metropolitan churches; and their effect, shortly stated, is that any person (whether a layman or in holy orders) who at any time is guilty of "riotous, violent, or indecent behaviour" in any lawful place of worship or in any churchyard or burial ground, or who shall by any unlawful means disquiet or misuse any preacher duly authorized to preach therein, or any clergyman in holy orders, may be apprehended by any constable or churchwarden of the place, taken before a magistrate, and be fined before two justices to the extent of £5, or at their discretion be committed for two months.

4. *Persons aggrieved may appeal against conviction.*] Any person convicted as aforesaid who shall think himself aggrieved by such conviction may forthwith appeal to the next court of general or quarter sessions, which shall be holden not less than twelve days after the day of such conviction for the county, riding, division, city, or borough wherein the cause of complaint shall have arisen; provided such persons shall enter into a recognizance with two sufficient sureties before the convicting justices, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such recognizance being entered into, the justices shall liberate such person, and the Court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

4. *Chapter 4 of statute 5 & 6 Edw. 6 repealed.*] The Act chapter four of the statute passed in the session of Parliament of the fifth and sixth years of the reign of Edward the Sixth is hereby repealed, so far as relates to persons not in holy orders.

6. *Act not to affect statutes of 1 Mar. sess. 2, c. 3, 1 Eliz. c. 2, or sect. 18 of 1 W. & M. c. 18.*] Nothing hereinbefore contained shall be taken to repeal or alter the statute passed in the second session of the first year of the reign of Queen Mary chapter three; or the statute passed in the first year of the reign of Queen Elizabeth, chapter two; or the eighteenth section of the statute passed in the first year of the reign of King William and Queen Mary, chapter eighteen.

7. *Nothing to limit power of ordinary over fabric of churches, &c.*] Provided also, that nothing herein contained shall limit, restrain, or abolish the power possessed by the ordinary over the fabric of any church or over the churchyard or burial ground connected therewith.

CAP. XXXIII.

An Act to amend certain Provisions in the Bankrupt Law of Scotland. [3rd July 1860.

CAP. XXXIV.

An Act to amend the Law relating to Petitions of Right, to simplify the Proceedings, and to make Provisions for the Costs thereof. [3rd July, 1860.

WHEREAS it is expedient to amend the law relating to petitions of right, to simplify the procedure therein, to make provision for the recovery of costs in such cases, and to assimilate the proceedings, as nearly as may be, to the course of practice and procedure now in force in actions and suits between subject and subject: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Petitions of right may be intitled in any of the superior courts at Westminster.*—*The form, nature, and contents of the petition as in schedule No. 1.*] A petition of right may, if the suppliant think fit, be intitled in any one of the superior courts of common law or equity at Westminster in which the subject matter of such petition or any material part thereof would have been cognizable if the same had been a matter in dispute between subject and subject, and if intitled in a court of common law shall state in the margin the venue for the trial of such petition; and such petition shall be addressed to her Majesty in the form or to the effect in the schedule to this Act annexed (No. 1), and shall state the Christian and surname and usual place of abode of the suppliant and of his attorney, if any, by whom the same shall be presented, and shall set forth with convenient certainty the facts entitling the suppliant to relief, and shall be signed by such suppliant, his counsel, or attorney.

2. *Petition to be left with the Secretary of State for the Home Department for her Majesty's fiat.*] The said petition shall be left with the Secretary of State for the Home Department, in order that the same may be submitted to her Majesty for her Majesty's gracious consideration, and in order that her Majesty, if she shall think fit, may grant her fiat that right be done, and no fee or sum of money shall be payable by the suppliant on so leaving such petition, or upon his receiving back the same.

3. *Upon fiat being obtained, petition, &c., to be left at office of Solicitor of the Treasury endorsed as in schedule No. 2.*] Upon her Majesty's fiat being obtained to such petition, a copy of such petition and fiat shall be left at the office of the Solicitor to the Treasury, with an endorsement thereon in the form or to the effect in the schedule (No. 2) to this Act annexed, praying for a plea or answer on behalf of her Majesty within twenty-eight days; and it shall thereupon be the duty of the said solicitor to transmit such petition to the particular department to which the subject matter of such petition may relate, and the same shall be prosecuted in the Court in which the same shall be intitled, or in such other Court as the Lord Chancellor may direct.

4. *Time for answering by the Crown.—Power to change the Court or venue.*] The time for answering, pleading, or demurring to such petition, on behalf of her Majesty, shall be the said period of twenty-eight days after the same, with such prayer of a plea or answer as aforesaid, shall have been left at the office of the Solicitor to the Treasury, or such further time as shall be allowed by the Court or a judge: provided always, that it shall be lawful for the Lord Chancellor, on the application of the Attorney-General or of the suppliant, to change the Court in which such petition shall be prosecuted, or the venue for the trial of the same.

5. *Time for answering by other persons parties to the petition.*] In case any such petition of right shall be presented for the recovery of any real or personal property, or any right in or to the same, which shall have been granted away or disposed of by or on behalf of her Majesty or her predecessors, a copy of such petition, allowance, and fiat shall be served upon or left at the last or usual or last known place of abode of the person in the possession, occupation, or enjoyment of such property or right, endorsed with a notice in the form set forth in the schedule (No. 3), requiring such person to appear thereto within eight days, and to plead or answer thereto in the Court in which the same shall be prosecuted within fourteen days after

the same shall have been so served or left as aforesaid; and it shall not be necessary to issue any scire facias or other process to such person for the purpose of requiring him to appear and plead or answer to such petition, but he shall within the time so limited, if it be intended by him to contest such petition, enter an appearance to the same in the form set forth in schedule (No. 4) to this Act annexed, or to the like effect, and shall plead, answer, or demur to the said petition within the time specified in such notice, or such further time as shall be allowed by the Court or a judge.

6. *The answer or plea to such petition.*] Such petition may be answered by way of answer, plea, or demurrer in a court of equity, or in a court of common law by way of plea or demurrer, or by both pleas and demurrer, by or in the name of her Majesty's attorney-general on behalf of her Majesty, and by or on behalf of any other person who may in pursuance hereof be called upon to plead or answer thereto, in the same manner as if such petition in a court of equity were a bill filed therein, or if the petition be prosecuted in a court of common law, as if the same were a declaration in a personal action, and without the necessity for any inquisition finding the truth of such petition or the right of the suppliant, and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of her Majesty may be alleged on behalf of any such other person as aforesaid called on to plead or answer thereto.

7. *The practice and course of procedure in action and suit between subject and subject shall extend to petitions of right as far as applicable.*] So far as the same may be applicable, and except in so far as may be inconsistent with this Act, the laws and statutes in force as to pleading, evidence, hearing, and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set-off, appeal, and proceedings in error in suits in equity, and personal actions between subject and subject, and the practice and course of procedure of the said courts of law and equity respectively for the time being in reference to such suits and personal actions, shall, unless the Court in which the petition is prosecuted shall otherwise order, be applicable and apply and extend to such petition of right: provided always, that nothing in this statute shall be construed to give to the subject any remedy against the Crown in any case in which he would not have been entitled to such remedy before the passing of this Act.

8. *Decrees or judgments by default.*] In case of a failure on the behalf of her Majesty, or of any such other person as aforesaid called upon to answer or plead to such petition, to plead, answer, or demur in due time, either to such petition, or at any subsequent stage of the proceedings thereon, the suppliant shall be at liberty to apply to the Court or a judge for an order that the petition may be taken as confessed; and it shall be lawful for such Court or judge, on being satisfied that there has been such failure to plead, answer, or demur in due time, to order that such petition may be taken as confessed against her Majesty or such other party so making default; and in case of default on the behalf of her Majesty and any other such person (if any) called upon as aforesaid to answer or plead thereto, a decree may be made by the Court, or leave may be given by the Court, on the application of the suppliant, to sign judgment in favour of the suppliant: provided always, that such decree or judgment may afterwards be set aside by such Court or a judge, in their or his discretion, on such terms as to them or him shall seem fit.

9. *Form of judgment or decree.*] Upon every such petition of right the decree or judgment of the Court, whether given upon demurrer upon the pleadings or upon a default to answer or plead in time, or after hearing or verdict, or in error, shall be that the suppliant is or is not entitled either to the whole or to some portion of the relief sought by his petition, or such other relief as the Court may think right, and such Court may give a decree or judgment that the suppliant is entitled to such relief, and upon such terms and conditions (if any) as such Court shall think just.

10. *Effect of judgment of amoveas manus.*] In all cases in which the judgment commonly called a judgment of *amoveas manus* has heretofore been pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief as herein-before provided shall be of such and the same effect as such judgment of *amoveas manus*.

11. *Costs recoverable by the Crown and any other person party to the petition.*] Upon any such petition of right the

Attorney-General or other person appearing on behalf of her Majesty, and every such other person as aforesaid who shall appear and plead or answer to such petition, shall be intitled respectively to recover costs against the suppliant in the same manner, and subject to the same restrictions and discretion, and under the same rules, regulations, and provisions, so far as they are applicable, as are or may be usually adopted or in force touching the payment or receipt of costs in proceedings between subject and subject, and for the recovery of such costs, such and the same remedies and writs of execution as are authorised for enforcing payment of costs upon judgments in personal actions or decrees, rules or orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of her Majesty and of such other person as aforesaid, as shall appear and plead to such petition, and any costs recovered on behalf of her Majesty shall be paid into the Exchequer, and shall become part of the Consolidated Fund, except where such petition shall be defended on behalf of her Majesty in her private capacity, in which case such costs shall be paid to the treasurer of her Majesty's household, or such other person as her Majesty shall appoint to receive the same.

12. *The suppliant to be entitled to costs against the Crown and other parties to the proceedings.* Upon any such petition of right the suppliant shall be entitled to costs against her Majesty, and also against any other person appearing or pleading or answering to any such petition of right, in like manner, and subject to the same rules, regulations, and provisions, restrictions, and discretion, as far as they are applicable, as are or may be usually adopted or in force touching the right to recover costs in proceedings between subject and subject; and for the recovery of any such costs from any such person, other than her Majesty, appearing or pleading or answering in pursuance hereof, to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon rules, orders, decrees, or judgments in personal actions between subject and subject shall and may be prosecuted, sued out, and executed on behalf of such suppliant.

13. *Decree or judgment in favour of the suppliant to be certified to the Treasury or the Treasurer of the Household in form of schedule No. 5.* Whenever, upon any such petition of right, a judgment, order, or decree shall be given or made that the suppliant is entitled to relief, and there shall be no rehearing, appeal, or writ of error, or in case of an appeal or proceedings in error, a judgment, order, or decree shall have been affirmed, given, or made that the suppliant is entitled to relief, or upon any rule or order being made entitling the suppliant to costs, any one of the judges of the court in which such petition shall have been prosecuted shall and may, upon application in behalf of the suppliant, after the lapse of fourteen days from the making, giving, or affirming of such judgment or decree, rule, or order, certify to the Commissioners of her Majesty's Treasury, or to the Treasurer of her Majesty's Household, as the case may require, the tenor and purport of the same, in the form in the schedule (No. 5) to this Act annexed, or to the like effect; and such certificate may be sent to or left at the office of the Commissioners of her Majesty's Treasury, or of the Treasurer of her Majesty's Household, as the case may be.

14. *Satisfaction of the judgment and costs.* It shall be lawful for the Commissioners of her Majesty's Treasury, and they are hereby required to pay the amount of any moneys and costs as to which a judgment or decree, rule, or order shall be given or made, that the suppliant in any such petition of right is entitled, and of which judgment or decree, rule, or order the tenor and purport shall have been so certified to them as aforesaid, out of any moneys in their hands for the time being legally applicable thereto, or which may be hereafter voted by Parliament for that purpose, provided such petition shall relate to any public matter; and in case the same shall relate to any private property or be enjoyed by her Majesty, or any contract or engagement made by or on behalf of her Majesty, or any matter affecting her Majesty in her private capacity, a certificate in the form aforesaid may be sent to or left at the office of the Treasurer of her Majesty's household, or such other person as her Majesty shall from time to time appoint to receive the same, and the amount to which the suppliant is entitled shall be paid to him out of such funds or moneys as her Majesty shall be graciously pleased to direct to be applied for that purpose.

15. *Power to judges to make rules and regulations, &c.* It shall be lawful for the judges of the said courts of law and equity respectively, or any three or more of the judges of the Court of Chancery, of whom the Lord Chancellor shall be one,

and for any eight or more of the judges of the courts of common law, of whom the chiefs of each of the said courts shall be three, from time to time to make all such general rules and orders in their said respective courts of law and equity, for regulating the pleading and practice on such petitions of right, and for the effectual execution of this Act and of the intention and object hereof, and for fixing the costs to be allowed for and in respect of the several matters herein contained, and the performance thereof, and for the government and conduct of the officers of their respective courts in and relating to the distribution and performance of the duties and business to be done or performed in execution of this Act, as such judges may think fit, reasonable, necessary, or proper, and to frame such writs and forms of proceedings as to them may seem expedient for the purposes aforesaid; and all such rules, orders, or regulations shall be laid before both houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting, then within five days after the next meeting thereof; and no such rule, order, or regulation shall have effect until three months after the same shall have been so laid before both houses of Parliament; and any rule, order, or regulation so made shall, from and after such time aforesaid, be binding and obligatory on the said courts, and on any courts of error or appeal into which any judgments or decrees of the said courts shall be carried by any writ of error or appeal, and be of the like force and effect as if the provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most excellent Majesty, by any proclamation inserted in the *London Gazette*, or for either of the Houses of Parliament, by any resolution passed at any time within three months next after such rules, orders, and regulations shall have been laid before Parliament, to suspend the whole or any part of such rules, orders, or regulations, and in such case the whole, or such part thereof as shall be so suspended, shall not be binding and obligatory on the said courts.

16. *Interpretation of terms.* In the construction of this Act the words "her Majesty" shall extend to and include her Majesty's successors; and the words "Lord High Chancellor" and "Lord Chancellor" respectively shall mean and include Keeper of the Great Seal and commissioners for executing the office of Lord Chancellor or Keeper of the Great Seal; the word "court" shall be understood to mean any one of the superior courts of common law or equity at Westminster, in which any such petition is presented; the word "relief" shall comprehend every species of relief claimed or prayed for in any such petition of right, whether a restitution of any incorporeal right, or a return of lands or chattels, or a payment of money or damages, or otherwise; and the word "judge" shall be understood to mean a judge or baron of any of the said courts respectively; and wherever in this Act, in describing or referring to any person, party, or thing, any word importing the singular number or masculine or feminine gender is used, the same shall be understood to include and be applicable to several persons and parties as well as one person or party, and to females as well as males, and males as well as females, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing, unless it otherwise be provided, or there be something in the subject or context repugnant to such construction.

17. *Short title.* In citing this Act in any instrument, document, or proceeding, it shall be sufficient to use the expression "The Petitions of Right Act, 1860."

18. *Nothing to prevent suppliant proceeding as before.* Nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act.

SCHEDULE referred to in the foregoing Act.

No. 1.

Petition.

In the Queen's Bench [or Common Pleas, or Exchequer of Pleas, or in Chancery].

To the Queen's most Excellent Majesty.

[Middlesex.] The humble petition of A. B. of —, by his attorney, E. F. to wit. } of —, sheweth that [state the facts].

Conclusion.

Your suppliant therefore humbly prays that, &c.

Dated the — day of — A.D.

(Signed)

A. B.

or C. D., Counsel for A. B.,
or E. F., Attorney for A. B.

No. 2.

The suppliant prays for a plea or answer on behalf of her Majesty within twenty-eight days after the date hereof, or otherwise that the petition may be taken as confessed.

No. 3.

To A.B.

You are hereby required to appear to the within petition, in her Majesty's Court of Queen's Bench [Common Pleas, or Exchequer, or High Court of Chancery], within eight days, and to plead or answer thereto within fourteen after the date hereof.

Take notice, that if you fail to appear or plead or answer in due time the said petition may, as against you, be ordered to be taken as confessed.

Dated, &c.

No. 4.

In the Queen's Bench [or Common Pleas, or Exchequer of Pleas, or in Chancery].

Petition of Right.

A.B., Suppliant,

The Queen.

C.D. appears in person.

E.F. Attorney for C.D., appears for him.

If the appearance be in person, the address of the party appearing to be given.

Entered the — day of — 186.

No. 5.

Certificate of a Judge of the Court of the Tenor and Purport of the Judgment or Decree.

To the Commissioners of her Majesty's Treasury [or the Treasurer of her Majesty's Household].

Petition of Right of A.B. in her Majesty's Court of Queen's Bench [Common Pleas, or Exchequer, or High Court of Chancery] at Westminster.

I humbly certify, that on the — day of — A.D. — it was, by the said Court of Queen's Bench [Common Pleas, or Exchequer, or High Court of Chancery] adjudged [or decreed or ordered] that the above-named suppliant was entitled to, &c.

Judge's signature.

OBSERVATIONS ON THE ABOVE ACT.

The profession owe considerable gratitude to Mr. Bovill for rescuing that branch of the law which regulates the respective remedies of the Crown and the subject, from much of the obscurity and many of the technicalities in which it has hitherto been involved; and claimants against the Crown have still greater reason to be obliged to him, as their right to costs, even in case of success, was, before the present Act, exceptional only,—the ancient maxim, that the Crown neither pays nor receives costs, constantly interposing, notwithstanding its relaxation in certain directions by the express enactments of modern statutes. The first instance (it is believed) of imposing costs upon the Crown in case of failure is to be found in the Customs Act (16 & 17 Vict. c. 107, s. 263), which gave the defendant in suits and proceedings by the Crown, for duties, penalties, and forfeitures under that Act, costs if he succeeded, and made him liable to pay them if he failed. There are earlier statutes which in particular cases give costs to the Crown; and now, in all legal proceedings in matters relating to the revenue, the costs are, by 18 & 19 Vict. c. 90, ss. 1, 2, placed upon the same footing as in ordinary actions between subject and subject. But as a general rule, and in particular in legal proceedings against the Crown, the common law principle above mentioned was in full force.

The methods in use for obtaining redress from the Crown before the passing of the present Act were threefold: 1, by petition of right; 2, the plea of right; 3, the *traverse* of office. The first of these (*petition de droit*) lay, whenever the subject had a right against the Crown (in respect either of real or personal property or for unliquidated damages) for which neither of the other proceedings were proper. The plea of right (*monstrans de droit*) was not a petition at all, but (as its name imports) a plea or bill against the Crown. It lay where the party in showing his right was able to confess the *prima facie* title of the Crown, and yet to avoid it. It was not maintainable where an inquest of office had been found for the Crown. For in that event, the third remedy was the proper one; namely, a *traverse* of the office. In other words, the "petition" was in use when the Crown was in full possession, and the petitioner, on grounds disclosed in the petition itself, was able to suggest such a right as controverted the title of the Crown. But where the Crown is in possession under office found,—as where a Crown tenant died seised without heirs, and such fact had been found

by inquisition, and recorded,—then, that the tenant had tortiously obtained seisin of the land, would be proper ground for a *monstrans de droit*. If, however, the subject's case was that he claimed as the tenant's heir,—then on execution (or writ of execution issuing for the Crown to recover possession of the land) the subject might plead to, that is, *traverse* the extent, and the question of fact would ultimately be tried by a jury.

It is to be observed that these distinctions between petition, plea, and *traverse*, are not noticed in the present statute, which speaks only of a "petition" of right. It is not, however, intended even inferentially to effect any change in the general law on these subjects; as the first section of the Act provides, that "nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act" (s. 18). It is to be feared, therefore, that the Act will to a certain extent fail in effecting its object of simplification; as where either a plea of right or a *traverse* of office is the proper remedy, the new procedure will have no application. It may be remarked, too, that in the time of Blackstone, the remedy by *monstrans* had been enlarged by several statutes, and had in practice almost superseded the remedy by petition.

The second section of the Act is noticeable. Its effect is to render the prosecution of a petition subject to the approval of the Home Secretary. This, it is believed, is a novel enactment. The petition of right, it is true, contained nothing of a mandatory nature, but it was substantially as well as nominally a petition of right—the prayer of it being grantable *en debito justicie*.

By sections 9 and 10, it is provided that a judgment or decree, to the effect that the suppliant is "entitled to relief" is to have the same effect as a judgment under the previous law of *amoveas manus*. The effect of such a judgment was to put the Crown entirely out of possession; and, therefore, as Blackstone remarks, "there needs not the indecent interpolation of the King's own officers to hamper the seisin to the party aggrieved."

The alteration made by the Act with regard to the subject of costs has been already noticed; and another important change is effected by providing for these petitions now to be entitled, and proceeded with, in "any one of the superior courts of common law or equity at Westminster, in which the subject matter of such petition or any material part thereof would have been cognizable, if the same had been a matter in dispute between subject and subject. Hitherto the Court of Chancery and the Court of Exchequer have alone been the usual tribunals for matters in which the Crown's revenue comes in question. See *Regina v. Carl von Francis* (6 W. R. 288.)

CAP. XXXV.

An Act further to amend an Act of the Eighteenth Year of Her present Majesty, to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons and for the Suppression of illicit Distillation in Ireland. [23rd July, 1860.]

CAP. XXXVI.

An Act to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs. [23rd July, 1860.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Power to appoint certain warehousing places.] The Commissioners of her Majesty's Treasury may, by their warrant, appoint that the parish of Manchester, the boroughs of Birmingham, Leeds, and Sheffield, or any of them, and such other places as

they may see fit, shall be warehousing places, subject to the provisions herein-after contained.

2. *Powers of customs Acts conferred upon commissioners applicable to this Act.* The powers and authorities conferred by the Customs Consolidation Act, 1853, upon the Commissioners of the Treasury for the appointment of warehousing ports, and upon the Commissioners of Customs for the approval of warehouses in such ports, shall extend to and be applicable to the said parish and boroughs, or any of them, and to any other place or places in the United Kingdom which the said Commissioners of the Treasury may consider to have a sufficient consumption of articles paying customs duties, to justify the expense of a customs establishment, and may see fit to appoint as warehousing places, and to any warehouse or warehouses in any such place or places which the said Commissioners of Customs may see fit to approve for the warehousing of goods for the security of duties of customs; and the said Commissioners of the Treasury by warrant under their hands, and the said Commissioners of Customs by order under their hands, are hereby authorised and empowered to appoint and approve of any such place or places, warehouse or warehouses, accordingly; and, except as herein-after mentioned and provided, the said Act, and all other Acts now or hereafter to be made relating to the customs and all the powers and authorities, provisions, privileges, forfeiture, securities, penalties, rules, regulations, restrictions, matters, and things contained therein, or made or done in pursuance thereof, with reference to warehousing ports and warehouses appointed or approved under the said Act or any other Act relating to the customs, shall, so far as the same are or can be made applicable, extend and apply to every warehousing place and warehouse which shall or may be appointed or approved under or in pursuance of this Act, and to the proprietor or occupier of and to the conduct and management of the business of every such warehouse, and the security of duties of customs due or payable upon or in respect of all goods deposited therein.

3. *Warehouses to be for public accommodation and to be of approved dimensions.* No warehouse shall be appointed or approved under this Act, except for the general accommodation of any merchants, traders, or others having occasion to deposit goods therein for the security of duties of customs; nor shall any warehouse be approved under this Act unless it be of such dimensions as the Commissioners of Customs consider sufficient, having regard to the wants of the town wherein it is situated.

4. *Warehouse to be within 1,000 yards of Custom-house.* When the site of the Custom-house in any place appointed under this Act shall have been fixed or determined by the Commissioners of Customs, it shall be lawful for the said Commissioners to refuse their approval of any warehouse above one thousand yards from such site.

5. *Interpretation of "extra rates."* The words "extra rates," in the proviso to the fifteenth section of the "The Customs Tariff Amendment Act, 1860," shall be construed to mean the additional rates of two shillings and sixpence for every one hundred pounds of Custom duty on tobacco, and of five shillings for every one hundred pounds of Customs Duty on sugar and other goods, which by the said section are made payable upon the said articles when they shall have been removed under bond; and the single rates of two shillings and sixpence and five shillings respectively imposed by the said section shall be payable in respect of goods delivered from warehouses which possessed the privilege of bonding at the passing of the said Act, whether such goods shall have been removed or not.

6. *Rates herein named to be paid in lieu of existing charges.* In lieu of the sums now payable by the council of the city of Manchester to the said Commissioners in respect of the expenses incident to the management and collection of the Customs duties, under the several Acts now in force relating thereto, there shall be charged upon goods deposited in any warehouse at Manchester approved under the said last-mentioned Acts, on the delivery thereof for home consumption, the same rates as are made payable by "The Customs Tariff Act, 1860," and this Act, on the delivery for home consumption of the like kind of goods from any warehouse approved under this Act.

7. *Rates deemed Customs duties.* The rates made payable under the said Customs Tariff Amendment Act, 1860, and this Act, shall be deemed to be duties of customs payable in the United Kingdom of Great Britain and Ireland, and may be sued for, enforced, recovered, and applied accordingly.

8. *Commencement and short title of Act.* This Act shall come into operation on the day of the passing thereof; and in citing it in other Acts of Parliament and legal instruments it shall be sufficient to use the expression "Customs Inland Bonding Act, 1860."

CAP. XXXVII.

An Act to levy an Assessment in the County of Inverness to discharge a Debt on the Castle Stewart and Nairn Road in the said County. [23rd July, 1860.]

CAP. XXXVIII.

An Act to further amend the Law of Property. [23rd July, 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Writs of execution of judgments to be registered.* Whereas it is desirable to place freehold, copyhold, and customary estates on the same footing with leasehold estates, in respect of judgments, statutes, and recognizances as against purchasers and mortgagees, and also to enable purchasers and mortgagees of estates, whether freehold, copyhold, or customary or leasehold, to ascertain when execution has issued on any judgment, statute, or recognizance, and to protect them against delay in the execution of the writ: be it therefore enacted, that no judgment, statute, or recognizance to be entered up after the passing of this Act shall affect any land (of whatever tenure) as to a *bona fide* purchaser for valuable consideration, or a mortgagee, (whether such purchaser or mortgagee have notice or not of any such judgment, statute, or recognizance) unless a writ or other due process of execution of such judgment, statute, or recognizance shall have been issued and registered as hereinafter is mentioned before the execution of the conveyance or mortgage to him, and the payment of the purchase or mortgage money by him: provided always, that no judgment, statute, or recognizance to be entered up after the passing of this Act, nor any writ of execution or other process thereon, shall affect any land of whatever tenure as to a *bona fide* purchaser or mortgagee, although execution or other process shall have issued thereon, and have been duly registered, unless such execution or other process shall be executed and put in force within three calendar months from the time when it was registered.

2. *Mode of registering.* The registry herein-before required of any writ of execution, or other due process, on any judgment, statute, or recognizance, in order to bind a purchaser or mortgagee, shall be made by a memorandum or minute referring to the judgment, statute, or recognizance already registered, so as to connect the registry of the writ of execution or other process therewith; such memorandum or minute to be left with the Senior Master of the Court of Common Pleas at Westminster, who shall forthwith enter the particulars in a book in alphabetical order by the name of the person in whose behalf the judgment, statute, or recognizance upon which the writ of execution or other process issued was registered, and also the year and the day of the month when every such memorandum or minute is left with him, and such officer shall be entitled for any such registry to the sum of five shillings; and all persons shall be at liberty to search the same book, in addition to all the other books in the same office, on payment of the sum of one-shilling only: And all the provisions in this Act in regard to writs of execution or other process and the registry thereof, or otherwise relating thereto, shall extend, *mutatis mutandis*, to writs of execution or other due process issuing on judgments of the several courts of common pleas of the county palatine of Lancaster and of pleas of the county palatine of Durham: but none of these provisions are to extend to Ireland. (a.)

(a) These two sections may be thus paraphrased so as to preserve their general design.

In order that any future judgment, &c., shall affect land of any tenure with regard to *bona fide* purchasers or mortgagees with or without notice of the judgment, &c., two things are required—1. The execution thereon must have issued and have been duly registered before the execution of the instrument and also before the payment of the money (in other words, before the completion of the sale or mortgage); and 2. Such execution must have been actually put in force, within three months

from the time when the writ of execution was issued and registered.

As to the registration above-mentioned it is to be by memorandum referring to the judgment already registered in the Common Pleas under 1 & 2 Vict. c. 110, s. 19; 2 & 3 Vict. c. 11; 3 & 4 Vict. c. 82; and 18 & 19 Vict. c. 15.

In still shorter terms, a future judgment is to bind land, tenements, and hereditaments, as against purchasers and mortgagees only if execution thereon be registered before completion of the transaction, and be enforced within three months after such registration.

As to the meaning of "judgment;" it includes decrees and orders in equity and bankruptcy and other orders "having the operation of a judgment." (See sect. 5.)

The provision only alters the law as to *purchasers and mortgagees*. The judgment will operate as against the *judgment debtor*, and volunteers claiming under him, and as regards his *creditors* from the same period as before the Act—i. e., from the date of the registration of the judgment.

It follows from what is said above, that for the future two distinct registrations are required—one, of the judgment as under the former law; the other, of the issue of the execution writ, under s. 2 of the present Act. A judgment creditor, in order to bind the land of his debtor against subsequent purchasers or mortgages, must now, therefore, sue out and register his writ of execution (a *fi. fa.*, a *ca. sa.*, or an *eligit*) as well as his judgment, and he will even then only have a charge on the land for three months. See Mr. Pask's communications on the subject of sections 1—5, *ante* pp. 801, 864; and also see p. 802.

3. *Provision for protection of heirs and executors against unregistered judgments.* And whereas by an Act passed in the fourth and fifth years of their late Majesties King William and Queen Mary, intitled An Act for the better Discovery of Judgments in the Courts of King's Bench, Common Pleas, and Exchequer in Westminster, it was enacted, that no judgment not docketed and entered in books in the manner thereby provided should affect any lands or tenements as to purchasers or mortgagees, or have any preference against heirs, executors, or administrators in their administration of their ancestors, testators, or intestate estates: And whereas by several later Acts judgments are required to be registered with more particulars than were required by the said recited Act; and it is thereby enacted that judgments not so registered shall not affect any land, tenements, or hereditaments as to purchasers, mortgagees, or creditors unless and until the same shall be registered in manner thereby required; and in obedience to a direction in one of the same Acts contained the dockets existing under the said first-recited Act have been finally closed: and whereas the said several later Acts do not expressly enact that judgments not docketed as thereby required shall not have any preference against heir, executors, or administrators in their administration of their ancestors, testators, or intestate estates, in consequence whereof such heirs, executors, or administrators have been held to have lost the protection which they enjoyed under the said first-recited Act, and it is expedient that the same should be restored: be it therefore declared and enacted, that no judgment which has not already been or which shall not hereafter be entered or docketed under the several Acts now in force, and which passed subsequently to the said Act of the fourth and fifth years of King William and Queen Mary, so as to bind lands, tenements, or hereditaments as against purchasers, mortgagees, or creditors, shall have any preference against heirs, executors, or administrators in their administration of their ancestors, testators, or intestate estates.

4. *Judgments as against heirs and executors to be registered.* No judgments which since the passing of an Act of the first and second years of her Majesty Queen Victoria, intitled An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England, (being one of the Acts herein-before referred to,) have been registered under the provisions therein contained, or contained in the later Act of the second and third years of Queen Victoria, chapter

eleven, as explained and amended by the Act of the session of the eighteenth and nineteenth years of Queen Victoria, chapter fifteen, (being two other of the Acts herein-before referred to,) or which shall hereafter be so registered, shall have any preference against heirs, executors, or administrators in their administration of their *executors*, testators, or intestate estates, unless at the death of the testator or intestate five years shall not have elapsed from the date of the entry thereof on the docket or from the only or last registry thereof, as the case may be, which re-registry from time to time is hereby authorised to be made in manner directed by the said Act of the second and third of Queen Victoria, as explained and amended by the Act of the eighteenth and nineteenth of Queen Victoria; but it shall be deemed sufficient to secure such preference as aforesaid, if such a memorandum as was required in the first instance is again left with the Senior Master of the Common Pleas within five years before the death of the testator or intestate, although more than five years shall have expired by effluxion of time since the last previous registration, before such last-mentioned memorandum or minute was left; and so *toties quoties* upon every re-registry. (b.)

(b) The provisions of these two sections are intended to supply an omission or ambiguity in the Acts of the present reign mentioned in the note to the 1 & 2 sects, with regard to the present system of registering judgments. That system was in place of the system of *docketing* judgments prescribed by 4 & 5 Will. & Mary, c. 20; but in the 1 & 2 Vict. c. 110, s. 19, and the later Acts now in force, it was no where (as in the previous statutes), expressly provided that *real and personal representatives* should have the same protection (in respect of the estates of their ancestors, testators, or intestates), as was given by the legislature with regard to *purchasers, mortgagees, and creditors*. The practical effect of the above omission is well illustrated in the recent case of *Fuller v. Redman* (29 L. J. Ch. 324). In that case, the personal representative of A., had exhausted the assets in discharging simple contract debts—there being also a judgment debt unsatisfied. It was successfully claimed by the judgment creditors that the sum paid to the simple contract creditors, should be disallowed. Under the 4 & 5 Will. & Mary, the administrator would have been protected, but not under the recent statutes.

In the above section the word "executors," printed in italics, is a misprint for *ancestors*.

5. *Extent of the word "judgment."* In the construction of the previous provisions the term judgment shall be taken to include registered decrees, orders of courts of equity and bankruptcy, and other orders having the operation of a judgment. (c.)

(c) By 1 & 2 Vict. c. 110, s. 18, *rules of court of the court of Common law*, and orders of the Lord Chancellor in matters of lunacy, whereby any sum of money or any costs, charges or expenses, shall be payable, are to have the effect of "common law judgments." See also 1 & 2 Vict. c. 110, s. 22, as to judgments of inferior courts removed into the superior courts for the purpose of execution and registration. See also 23 & 24 Vict. c. 126, s. 18, as to interpleader rules and orders under that Act. As to a warrant of attorney to enter up judgment, see *Lane v. Horlock* (Ho. Lds. 4 W. R. 408; and *Croft v. Lumley* (Ho. Lds. 6 W. R. 523.)

6. *Restriction of effect of waiver.* Where any actual waiver of the benefit of any covenant or condition in any lease on the part of any lessor, or his heirs, executors, administrators, or assigns, shall be proved to have taken place after the passing of this Act in any one particular instance, such actual waiver shall not be assumed or deemed to extend to any instance or any branch of covenant or condition other than that to which such waiver shall specially relate, nor to be a general waiver of the benefit of any such covenant or condition, unless an intention to that effect shall appear. (d.)

(d) This section goes off to quite a different subject, and is intended to supply an omission in Lord St. Leonard's own Act of last session (22 & 23 Vict. c. 35). That provision restricted

the effect of a licence by the landlord to assign or underlet or to break any other proviso or covenant in the lessee's lease, to the particular thing in respect of which such licence was given, and so that the lease should remain in its original state and obligation with regard to any subsequent breaches. The present provision extends this restriction with regard to licences for the future, to *waivers* of forfeitures already committed. The word "waiver" here probably embraces both an implied waiver by acceptance of rent or the like, as well as an express waiver.

7. *Provision for cases of future and contingent uses.*] Where by any instrument any hereditaments have been or shall be limited to uses, all uses thereunder, whether expressed or implied by law, and whether immediate or future, or contingent or executory, or to be declared under any power therein contained, shall take effect when and as they arise by force of and by relation to the estate and seisin originally vested in the person seised to the uses, and the continued existence in him or elsewhere of any seisin to uses or scintilla juris shall not be deemed necessary for the support of or to give effect to future or contingent or executory uses, nor shall any such seisin to uses or scintilla juris be deemed to be suspended, or to remain or to subsist in him or elsewhere. (e)

(e) This provision is intended to remove a doubt which has much perplexed our conveyancers—commonly known as the doctrine of *scintilla juris*. For it has been much discussed out of what "seisin" contingent uses are to be executed in certain cases so as to bring the Statute of Uses into operation and transmute the uses into legal estates.

Thus where land is conveyed by feoffment to A. and his heirs to the use of B. for life remainder to the use of his unborn sons successively, in tail, remainder to the use of C. in fee, there must be some seisin out of which to execute the uses in *esse* to B. & C., and the future uses to the sons of B. But all the actual seisin of A. is exhausted before any son of B. is born, being drawn out of him in order to execute the uses to B. & C. Hence it has been by some authorities held that there remains in A., though not an actual seisin, yet a "scintilla juris" or possibility of future seisin to serve the future uses as they come in *esse*. Others, however, have supposed that the Statute of Uses is satisfied if at the time of the creation of the future uses there should be a seisin to serve them, though there should be none at the time of their coming into *esse*; and that consequently there is no occasion to have recourse to the subtle doctrine of the *scintilla juris*.

8. *Sect. 24 of 22 & 23 Vict. c. 35, extended to mortgagees.*] The section twenty-four in the Act of the session of the twenty-second and twenty-third of Queen Victoria, chapter thirty-five, shall be read and construed as if the words "or mortgagee" had followed the word "purchaser" in every place where the latter word is introduced in the said section.

9. *Form of applying for advice of judge, &c., under sect. 30 of 22 & 23 Vict. c. 35.*] Where any trustee, executor, or administrator shall apply for the opinion, advice, or direction of a judge of the Court of Chancery under the thirtieth section of the Act of the twenty-second and twenty-third of her present Majesty, chapter thirty-five, the petition or statement shall be signed by counsel, and the judge by whom it is to be answered may require the petitioner or applicant to attend him by counsel either in chambers or in court where he deems it necessary to have the assistance of counsel.

10. *Power to Lord Chancellors, &c., of England and Ireland to make general orders as to investment of cash under the control of the Court.*] It shall be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal of England, with the advice and assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors of the said Court, or any three of them, and for the Lord Chancellor of Ireland, with the advice and assistance of the Lords Justices of Appeal and the Master of the Rolls in Ireland, to make such general orders from time to time as to the investment of cash under the control of the Court, either in the Three per Cent. Consolidated or Reduced or New Bank Annuities, or in such other

stocks, funds, or securities as he or they shall, with such advice or assistance, see fit; and it shall be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners in England, and for the Lord Chancellor in Ireland, to make such orders as he or they shall deem proper for the conversion of any Three per Cent. Bank Annuities now standing or which may hereafter stand in the name of the Accountant-General of the said Court of Chancery, in trust in any cause or matter, into any such other stocks, funds, or securities upon which, by any such general order as aforesaid, cash under the control of the Court may be invested; all orders for such conversion of Bank Annuities into other funds or securities to be made upon petition to be presented by any of the parties interested in a summary way, and such parties shall be served with notice thereof as the Court shall direct.

11. *Trustees, &c., to invest trust funds in the stocks, &c., in which cash under the control of the Court may be invested.*] When any such general order as aforesaid shall have been made it shall be lawful for trustees, executors, or administrators having power to invest their trust funds upon Government securities, or upon Parliamentary stocks, funds, or securities, or any of them, to invest such trust funds, or any part thereof, in any of the stocks, funds, or securities in or upon which by such general order cash under the control of the Court may from time to time be invested.

12. *Clause 32 of 22 & 23 Vict. c. 35, to act retrospectively.*] Clause thirty-two of the said Act of the twenty-second and twenty-third of Queen Victoria, chapter thirty-five, shall operate retrospectively. (f)

(f) We have the authority of Lord St. Leonards himself, for the object of these three sections with regard to the investment of trust funds. And information as to this is to be found in his Lordship's letter to the *Times*, which has been printed at length in this Journal. It appears that Lord St. Leonards was not himself satisfied with the 32nd section of the 22 & 23 Vict. c. 35; which allows trustees, executors, and administrators (where not expressly forbidden by the instrument of their trust) to invest trust funds on real securities in any part of the United Kingdom, or in English or Irish Bank Stock, or in East Indian Stock. The House of Commons, however, not only rejected his amending clause, but have made the provision in the preceding Act retrospective. The general effect of sect. 10 is still further to enlarge the powers with regard to investment of trust funds. Except under special circumstances, the Court of Chancery has hitherto used, and sanctioned the use, only of the £3 per cent. Consols. Bank Annuities. For the future, however, they have the widest possible powers in this respect; being expressly authorised by the present Act to sanction by general orders, such investments in government securities or in "such other stocks, funds, or securities" as they shall think fit. In any of the securities so sanctioned, trustees may now, therefore, invest without such investment being of itself a breach of trust—provided always, that the instrument of trust gives them power to invest "on government securities or upon Parliamentary stocks, funds, or securities." Yet, if they do not exercise this power prudently, they will still be held responsible for any loss which may happen to accrue, as before the Act.

13. *Extension of sect. 40 of 3 & 4 Will. 4, c. 27, to cases of claims to estates of intestates.*] Whereas by the Act of Parliament of the third and fourth of William the Fourth, chapter twenty-seven, section forty, it was enacted that after the thirty-first day of December, one thousand eight hundred and thirty-three, no action or suit or other proceeding should be brought to recover any sum of money secured by any mortgage, judgment or lien, or otherwise, charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twenty years next after a present right to receive the same should have accrued to some person capable of giving a discharge for a release of the same, unless such acknowledgment in writing or payment of principal or interest as therein mentioned should have been given or made, and then within twenty years next after such payment or acknowledgment, or the last of such payments or acknowledgments; and whereas it is expedient that the said enactment should be extended to the case of claims to the estates of persons dying intestate:

be it therefore enacted, that after the thirty-first day of December, one thousand eight hundred and sixty, no suit or other proceeding shall be brought to recover the personal estate, or any share of the personal estate, of any person dying intestate, possessed by the legal personal representative of such intestate, but within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of such estate or share, or some interest in respect thereof, shall have been accounted for or paid, or some acknowledgment of the right thereto shall have been given in writing, signed by one person accountable for the same, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit shall be brought, but within twenty years after such accounting, payment, or acknowledgment, or the last of such accountings, payments, or acknowledgments, if more than one was made or given. (g.)

(g) This section extends a provision of the statute of Limitations with respect to actions brought for the recovery of land or other things real.

By that Act (3 & 4 Will. 4, c. 27), in the 40th section, a period of limitation is prescribed in reference to the recovery of money secured by mortgage, &c., charged on land or rent; viz. twenty years after the right to receive the same shall have accrued or within twenty years after part of the principal shall have been paid, or acknowledgment of the right given in writing by the party entitled or his agent. By the present provision, the same power of limitation is given with regard to the recovery of personal estate from the next-of-kin administering the estate.

14. *Order to take account of debts, &c., of deceased person under sect. 19 of 13 & 14 Vict. c. 35, may be made immediately after probate granted.* The order to take an account of the debts and liabilities affecting the personal estate of a deceased person, pursuant to the nineteenth section of the Act of the thirtieth and fourteenth years of Victoria, chapter thirty-five, may be made immediately, or at any time after probate or letters of administration shall have been granted; and such order may be made either by the Court of Chancery upon motion or petition of course, or by a judge of the said court, sitting at chambers, upon a summons in the form used for originating proceedings at chambers; and after any such order shall have been made, the said Court or judge may, on the application of the executors or administrators, by motion or summons, restrain or suspend, until the account directed by such order shall have been taken, any proceedings at law against such executors or administrators by any person having, or claiming to have, any demand upon the estate of the deceased, by reason of any debt or liability due from the estate of the deceased, upon such notice and terms and conditions (if any) as to the said Court or judge shall seem just; and the judge, in taking an account of debts and liabilities pursuant to any such order, shall, on the application of the executors or administrators, be at liberty to direct that the particulars only of any claim or claims which may be brought in pursuance to any such order shall be certified by his chief clerk, without any adjudication thereon; and any notices for creditors to come in which may be published in pursuance of any such order shall have the same force and effect as if such notices had been given by the executors or administrators in pursuance of the twenty-ninth section of the Act of the twenty-second and twenty-third years of Victoria, chapter thirty-five.

15. *Act not to extend to Scotland, &c.]* This Act is not to extend to Scotland, nor are any of the clauses, except clause six and the subsequent clauses, to extend to Ireland.

GENERAL OBSERVATIONS ON THE ABOVE STATUTE.

With regard to the above Act, it has been well remarked that it is very characteristic of Lord St. Leonard's method of legislation; containing as it does, several groups of provisions, each of them with little or no connection with each other, and all standing under a common title, which conveys but slender information as to the purport of the Act which follows after.

It has also been observed that the policy of provisions which impose the observance of fresh ceremonies upon judgment creditors is very questionable; while the inconveniences, such as they were, of the previous law, remain untouched.

The Act is of a nature to require the most attentive study, and considerable knowledge of the details of the several subjects of which it treats. It is satisfactory, therefore, that there are already before the profession more than one skilful and elaborate investigation of its pretensions. The edition of the Act by Mr. Vaizey* will be found particularly useful, both to the practitioner and to the student. Our readers are already in possession of what Mr. Jemmett has done in the same field; see ante pp. 775, 799.

CAP. XXXIX.

An Act for the Construction of a new Harbour, and the Improvement of the existing Harbour, at Anstruther Easter, in the County of Fife. [23rd July, 1860.]

CAP. XL.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Office and Employments, and to extend the Time limited for those Purposes respectively. [23rd July, 1860]

WHEREAS divers persons who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have qualified themselves according to an Act of the first year of King George the First, statute two, chapter thirteen; or according to an Act of the thirtieth year of King Charles the Second, statute two, chapter one; or according to an Act of the twenty-fifth year of King Charles the Second, chapter two; or according to an Act of the thirteenth year of King Charles the Second, statute two; or according to an Act of the eighth year of King George the First, chapter six; or according to an Act of the ninth year of King George the Second, Chapter twenty-six; or according to an Act of the eighteenth year of King George the Second, chapter twenty; or according to an Act of the sixth year of King George the Third, chapter fifty-three; or according to an Act of the ninth year of King George the Fourth, chapter seventeen; or according to an Act of the tenth year of King George the Fourth, chapter seven, so far only as the said Act relates to any civil or military offices, or places of trust, or places of profit, or corporate offices; or according to an Act of the session holden in the twenty-first and twenty-second years of her Majesty, chapter forty-eight, have, through ignorance of law, absence, or some unavoidable accident, omitted to qualify themselves, within such time and in such manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of her Majesty's subjects, and for preventing any inconvenience that might otherwise happen by means of such omissions, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Persons who have omitted to qualify themselves as required by the recited Acts indemnified and allowed further time.* Every person who, at or before the passing of this Act, hath omitted to take or make and subscribe any oath, assurance, or declaration, or otherwise to qualify himself within such time and in such manner as in and by the said Acts or any of them is required, and who, after accepting any such office, place, or undertaking any profession or thing, on account of which such qualification ought to have been had and is required, before the passing of this Act, hath taken and subscribed to oaths or oath and assurance, or made the declarations or declaration required by law, or who, on or before the twenty-fifth day of March one thousand eight hundred and sixty-one, or if Parliament be then sitting before the end of the then Session of Parliament, shall take and subscribe the oaths or oath, and assurance, declarations, or declaration respectively, in such cases wherein by the said several Acts or any or either of them the said oaths, assurance, and declarations ought to have been taken and subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities incurred or to be incurred for or by reason of any neglect or omission previous to the passing of this Act of

* Lord St. Leonard's Act to further amend the Law of Property (23 & 24 Vict. c. 26), with notes, and also supplemental notes on 23 & 25 Vict. c. 26. By John Savill Vaizey, Barrister-at-law. Wildy & Sons.

taking or making and subscribing any oaths or oath, assurance or declaration, required by the said recited Acts or any of them, according to the above-mentioned Acts or any of them, or any other Act or Acts; and every such person is and shall be fully and actually recapacitated and restored to the same state and condition as he was in before such neglect or omission, and shall be and be deemed and adjudged to have duly qualified himself, according to the above-mentioned Acts and every of them; and all elections of and Acts done or to be done by any such person, or by authority derived from him, are and shall be of the same force and validity as the same or any of them would have been if such person had duly taken or made and subscribed such oath, assurance, and declaration, according to the directions of the said Acts and every or any of them; and qualification of such person qualifying himself in manner and within the time appointed by this Act shall be to all intents and purposes as effectual as if such person had taken or made and subscribed such oaths or oath, assurance and declaration, within the time and in manner appointed by the several Acts before mentioned.

2. *Indemnity to those who have omitted to make and subscribe the oaths and declaration required by the Irish Act, 2 Anne, c. 6.* And whereas several persons well affected to her Majesty's government, and to the United Church of England and Ireland, have, through ignorance of the law, neglected, or been, by sickness or other unavoidable causes, prevented from taking and subscribing the oaths and declaration according to the directions of an Act passed in the Parliament of Ireland in the second year of Queen Anne, intituled an Act to prevent the further growth of popery: all persons who have incurred any penalty or incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all incapacities, disabilities, penalties, and forfeitures incurred by reason of such omission or neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such omission or neglect, but all such acts shall be and are hereby declared to be as good and effectual as if such persons respectively had taken and subscribed the said oaths, and made and repeated and subscribed the said declaration, at such time and place and manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding: Provided always, that such person or persons do and shall take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form and in such place or places respectively as are directed and appointed by the said last recited Act, on or before the twenty-fifth day of March, one thousand eight hundred and sixty-one, or if Parliament be then sitting before the end of the then session of Parliament.

3. *Not to indemnify persons against whom final judgment has been given.* Provided always, that this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information in any of her Majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

4. *Not to exempt justices acting without legal qualification.* Provided also, that nothing contained in this Act shall extend or be construed to extend to exempt any justice of the peace within Great Britain from the penalties to which he is subject for acting as such without being possessed of the qualification required by the laws now in force.

5. *Admissions to corporations may be stamped after the time allowed.* And whereas the appointment of divers clerks of the peace, town clerks, and other public officers, and the admission of divers members and officers of cities, corporations, and borough towns, in Great Britain and Ireland, or the entries of such admissions in the court books, rolls, or records of such cities, corporations and borough towns which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the relief of such persons whose appointments and admissions or the entries of whose admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons in Great Britain or Ireland, on or before the twenty-fifth day of March, One thousand eight hundred and sixty-one, or if Parliament be then sitting, before the end of the then session of Parliament, to provide or cause to be provided appointments and admissions or entries of admissions, as aforesaid, duly stamped, or in case where such appointments, admissions, or entries of admissions as aforesaid have been made or pro-

vided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions as aforesaid to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorised and empowered and required to duly stamp, on payment of double the amount of the duties first payable or to have been paid on such appointments, admissions, or entries as aforesaid, without any other fine or forfeiture thereon; and in order to denote the said duties, the said commissioners are hereby authorised and empowered to use such stamps as shall have been heretofore provided to denote any former duties on stamped vellum, parchment, and paper, or to cause new stamps to be provided for that purpose, and to do all other things necessary for putting this Act in execution, in the like and in as full and ample manner as they or the major part of them are authorised to put in execution any former law concerning stamped vellum, parchment, and paper; and such persons so providing appointments, admissions, or entries of admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town clerk, and other public officer, or member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold and enjoy and execute such office, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors in such cities, corporations, or borough towns as aforesaid, and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same.

6. *Not to restore persons to any office avoided by judgment.* Provided always, that this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgment of any of her Majesty's courts of record or already legally filled up and enjoyed by any other person, but such office or employment, benefice, matter, or thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

7. *General issue.* In case any action, suit, bill of indictment, or information shall, after the passing of this Act be brought, carried on, or prosecuted against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever incurred or to be incurred by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon.

CAP. XLI.

An Act to make perpetual an Act of the Twenty-first and Twenty-second Years of Her present Majesty, to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.

[23rd July, 1860.]

CAP. XLII.

An Act to vest the management of the Phoenix Park in the Commissioners of Public Works in Ireland.

[23rd July, 1860.]

CAP. XLIII.

An Act for confirming a Scheme of the Charity Commissioners for the Administration of Archbishop Tenison's Charity in the Parish of Saint Martin in the Fields in the City of Westminster. [23rd July, 1860.]

CAP. XLIV.

An Act to confirm certain Provisional Orders under the Local Government Act (1838) relating to the Districts of Southampton, Leicester, Epsom, Coventry, Ipswich, Fareham, Wells, Tormoham, Scarborough, Ludlow, Banbury, Boston, Penrith, Barnsley, and Shipley; and for other purposes in relation thereto.

[23rd July, 1860.]

CAP. XLV.

An Act to extend the Act of the Eighth and Ninth Years of Victoria, Chapter Twenty-six, for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland.

[23rd July, 1860.]

CAP. XLVI.

An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the Caledonian and Crinan Canals.

[23rd July, 1860.]

CAP. XLVII.

An Act to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs in Scotland.

[23rd July, 1860.]

CAP. XLVIII.

An Act to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith.

[23rd July, 1860.]

CAP. XLIX.

An Act for extinguishing certain Rights of Way through Colewort Barracks, in the Borough of Portsmouth.

[23rd July, 1860.]

CAP. L.

An Act to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of North Leith.

[23rd July, 1860]

CAP. LI.

An Act to provide an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes in England.

[23rd July, 1860.]

WHEREAS rates, taxes, tolls, and dues to a large amount are levied for purposes of local government and improvements in England, and it is proper that Parliament should be informed annually of all sums so levied, and the expenditure thereof, but in many cases no sufficient provision has been made for that purpose: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Clerks of bodies empowered to levy rates, &c., to make annual returns to secretary of state.* The clerk to any corporation, justices, commissioners, district or other board, vestry, inspectors, trustees, or other body or persons authorised to levy or to order to be levied, any of the rates, taxes, tolls, or dues mentioned in the schedule to this act, or any other compulsory rates, taxes, tolls, or dues in England (other than such as are levied for the public revenue of the United Kingdom), shall make a return of the sums levied or received by or in respect of such rates, taxes, tolls, and dues, and of the expenditure thereof, to one of her Majesty's principal secretaries of state in the month of June in every year; the first return to be made in the month of June one thousand eight hundred and sixty-one.

2. *Returns to be made for the latest year for which accounts are made up.* Such returns shall be made for the latest period of twelve months preceding the month of June in each year for which the accounts of the corporation, justices, commissioners, board, inspectors, trustees, or other body or persons, shall be made up, and shall show the amounts levied and expended respectively, with such other particulars and in such form as shall from time to time be ordered by such secretary of state.

3. *Who are to make returns in certain cases.* Where no clerk is appointed or acting, the treasurer or other officer keeping the accounts of the receipts and expenditure of the corporation, justices, commissioners, board, vestry, inspectors, trustees, or other body or persons by whom any rates, taxes, tolls, or dues herein-before mentioned are levied or ordered to be levied shall make the returns in relation thereto; and where any such rates, taxes, tolls, or dues are levied and expended or to be accounted for by churchwardens, chapelwardens, or any officers or persons

not authorized to act as a board, such returns as herein-before mentioned in respect of such rates, taxes, tolls, or dues, and the expenditure thereof, shall be made by such churchwardens, chapelwardens, or other officers or persons, and they shall be severally liable in respect of any neglect to make the same.

4. *Penalty for default.* Any clerk, treasury, churchwarden, officer, or other persons required as aforesaid to make such returns who neglects so to do in the month of June in any year shall be liable to a penalty not exceeding twenty pounds for every such offence, to be recoverable on summary conviction thereof before two justices.

5. *Saving for returns already required.* Where any annual return is now by law required to be made to the secretary of state, or to any public department, under any Act of Parliament this Act shall not render necessary any further or other return in respect of the same matters: provided always, that the said secretary of state may, by his order published in the *London Gazette*, direct that all or any of such returns now required as aforesaid shall in future be made under this Act, and shall be subject to the provisions and penalties thereof.

6. *Abstract of returns to be laid before Parliament.* The said secretary of state shall every year cause the returns transmitted to him under this Act to be abstracted, and the abstract thereof to be laid before both Houses of Parliament.

7. *Poor rate returns to be made to poor law board as hereinbefore.* This Act shall not extend to the rates levied for the relief of the poor, or the expenditure thereof, but the returns thereof shall continue to be made to the poor law board, as by the orders of such board shall from time to time be directed.

8. *Saving for joint stock companies and private rights of toll, &c.* This Act shall not extend to any tolls or dues taken by any railway, canal, or joint stock company as profits of their undertaking, or to any tolls or dues taken by prescription or otherwise as private property.

SCHEDULE.

Church rates and chapel rates; whether made by the common law or under the Church Building Acts, or under any other Act of Parliament.

Sewers rates and "general sewers tax," and all rates, scots, and taxes levied by courts or commissioners of sewers; whether levied under the Acts of the 3 & 4 W. 4, c. 23, and 4 & 5 Vict. c. 46, or under any other Act of Parliament, or by charter, usage, or custom.

Rates under the Act for the lighting and watching of parishes, 3 & 4 W. 4, c. 90.

Rates levied by improvement commissioners or other commissioners, or by any trustees or corporation acting under any local Act for the paving, draining, cleansing, or watching, improvement or regulation of any town or district.

Rates levied by or under the order of any vestry or district board, under the Act 18 & 19 Vict. c. 120, for the better local management of the metropolis.

Tolls and dues levied under the authority of Parliament in respect of markets, bridges, or harbours.

CAP. LII.

An Act to alter and amend "The Metropolitan Building Act (1855)."

[23rd July, 1860]

WHEREAS certain rules of "The Metropolitan Building Act 1855," have been found to operate prejudicially by limiting the contents of buildings to be erected as workshops for the manufacture of the machinery and the boilers of steam vessels, and as the increased and increasing size of such machinery and boilers for the royal and commercial marine of this country requires larger areas for their manufacture than are allowed by such rule, it is expedient to amend the said Act; Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. *Short title.* This Act may be cited for all Purposes as "The Metropolitan Building Act (Amendment), 1860."

2. *Rules as to cubical dimensions of the Metropolitan Building Act, 1855, not to apply to buildings to be used for the manufacture of machinery and boilers of steam vessels, provided that such buildings shall consist of one floor only, &c.* The Rules of "The Metropolitan Building Act, 1855," limiting the cubical dimensions or contents of Buildings used either wholly or in part for the purposes of trade or manufacture, shall not after the passing of this Act apply to any building to be used wholly for the manufacture of the machinery and boilers of steam vessels beyond the distance of three miles from Saint Paul's Cathedral; Provided always, that every such building shall consist of one floor only, and shall be constructed of brick, stone, or iron, or incombustible material; and it shall

not be lawful for the owners, lessees, or occupiers thereof, or for any persons interested therein, to use such building for any other purpose than the manufacture of the machinery and the boilers of steam vessels until all the rules and provisions of the said Act, as to party walls and other matters which are applicable to buildings of a similar character, shall have been duly complied with: Provided also, that every such building, if of greater dimensions than two hundred and sixteen thousand cubic feet, shall be subject to the approval of the Metropolitan Board of Works, in the same manner as iron buildings or buildings to which the Rules of the said Act are inapplicable as set forth in the fifty-sixth section of such Act.

CAP. LIII.

An Act for the Limitation of Actions and Suits by the Duke of Cornwall in relation to Real Property, and for authorizing certain Leases of Possessions of the Duchy.

[23rd July, 1860.]

WHEREAS by an Act passed in the ninth year of King George the Third, chapter sixteen, provision is made for limiting the right of the King's Majesty, his heirs and successors, to sue, impeach, question, or implead any person, body politic or corporate, for or concerning any manors, lands, tenements, rents, tithes, or hereditament whatsoever (other than liberties or franchises), or for or concerning the revenues, issues, or profits thereof, and for quieting possessions and titles against the crown: and whereas an Act was passed in the session holden in the seventh and eighth years of her Majesty, chapter one hundred and five, "to confirm and enfranchise the estates of the conventional tenants of the ancient assessionable manors of the duchy of Cornwall, and to quiet titles within the county of Cornwall as against the duchy, and for other purposes," but the provisions of the said Act for quieting titles within the county of Cornwall as against the duchy do not extend to any property, right, claim, or question of, to, or concerning navigable rivers, estuaries, ports, or branches of the sea, or the fundus or soil thereof respectively, or the shores between high and low water mark thereof respectively: and whereas it is expedient that as to hereditaments not within the county of Cornwall, and also as to such hereditaments within the said county as are excepted from the provisions of the said Act of the seventh and eighth years of her Majesty, the limitation applicable to actions and suits by the crown should be made applicable to actions and suits by the Duke of Cornwall: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Provisions of 9 G. 3. c. 16. as to limitations of actions and suits to extend to the Duke of Cornwall.* All the provisions of the said Act of the ninth year of King George the Third now applicable to her Majesty, her heirs and successors, shall extend and be applicable to the Duke of Cornwall, in like manner as if the same were re-enacted and the Duke of Cornwall were throughout mentioned or referred to where the "King's Majesty" or "his Majesty" is in the said Act mentioned or referred to, subject nevertheless to the property and possessions included in this Act, to the provisions contained in sections seventy-two and seventy-five of the Act of the seventh and eighth years of her Majesty above referred to with respect to the property and possessions included therein.

2. *Nothing to affect provisions of 7 & 8 Vict. c. 105, 2 & 3 W. 4. c. 71, and 2 & 3 W. 4. c. 100.* Provided always, that nothing herein-before contained shall extend to the property or possessions in relation to which provisions for the limitation of actions and suits and for quieting titles is made by the said Act of the seventh, and eighth years of her Majesty, or affect the provisions of the Act of the session holden in the second and third years of his late Majesty, chapter seventy-one, "for shortening the time of prescription in certain cases, or of the Act of the same session of Parliament, chapter one hundred, "for shortening the time required in claims of modus decimandi or exemption from or discharge of tithes."

3. *21 & 22 Vict. 100.* And whereas by "the Cornwall Submarine Mines Act, 1858," it is enacted and declared, that all mines and minerals lying under the sea-shore, between high and low water marks, within the said county of Cornwall, and under estuaries and tidal rivers and other places (below high-water mark), ever below low-water mark, being in and part of the said country, are, as between the Queen's Majesty in right of her crown on the one hand and his royal highness Albert Edward

Prince of Wales and Duke of Cornwall in right of his duchy of Cornwall on the other hand, vested in his said royal highness Albert Edward Prince of Wales and Duke of Cornwall in right of the Duchy of Cornwall as part of the soil and territorial possessions of the said Duchy, but this declaration is not to extend to the mines and minerals in or under land below high-water mark which is part and parcel of any manor belonging to her Majesty in right of her crown; and it is by the said Act provided, that in that Act, unless there is something in the context repugnant to such construction, the expression "mines and minerals" shall comprehend all mine and minerals, and all quarries, veins or beds of stone, and all substrata of any other nature whatsoever, and the ground and soil in, upon, and under which such mines and minerals, quarries, veins or beds of stone, and other substrata lie. [*Power to council to grant leases of property declared to be vested in the Duke of Cornwall by 21 & 22 Vict. c. 109.*] Be it further enacted, that in any case where it appears to the council of his royal highness Albert Edward Prince of Wales and Duke of Cornwall that any part of the land or hereditaments by the said Cornwall submarine mines Act declared to be vested in his said Royal Highness as part of the soil and territorial possessions of the Duchy of Cornwall has been inclosed or otherwise improved by or at the expense of the person in the possession thereof, or of any person under whom he claims, it shall be lawful for the said council during the minority of his said Royal Highness to demise the land or hereditaments so improved, or any part thereof, for such term not exceeding ninety-nine years in possession, and subject to such rent, reservations, conditions, and agreements as under the circumstances of the case may appear to the said council just and reasonable; and every such lease shall be made under the great or privy seal of his said royal highness, and shall be enrolled in the office of the Duchy of Cornwall.

4. *Construction of the expression "Duke of Cornwall."* In the construction of this Act the expression "the Duke of Cornwall" shall include as well his Royal Highness Albert Edward, now Duke of Cornwall, as his predecessors and successors Dukes of Cornwall, and also the Queen's most excellent Majesty and her predecessors and successors, Kings and Queens of England for the time being, entitled to the lands and possessions of the Duchy of Cornwall or the revenues thereof during a vacancy of the Duchy of Cornwall.

CAP. LIV.

An Act to amend an Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office.

[6th August, 1860.]

WHEREAS it is expedient to amend so much of an Act of the sixth year of her Majesty, intituled "An Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office, as relates to the number of officers on the Crown side of the said Court, and as to the certificate required by the said Act to be given by the Lord Chief Justice of the said Court prior to filling up any vacancy arising in the said offices:" be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. *As to office of assistant master on Crown side of Queen's Bench.* That from and after the passing of this Act the office of assistant master now vacant, on the Crown side of the said Court, shall be abolished, and the officers on the Crown side of the said court shall be the Queen's coroner and Attorney and one Master.

2. *Prescribing mode of filling up future vacancies in offices.—Present vacancy in office of Master.* Instead of the certificate required by the third section of the herein-before recited Act to be given by the Lord Chief Justice of the Court of Queen's Bench before filling up any vacancy in any such office, it shall be sufficient if the said Chief Justice shall certify in the manner prescribed by the said Act that it is necessary for the efficient and satisfactory conduct of the business of the Crown side of the said court that such vacancy shall be filled up; such certificate to be made to the Commissioners of her Majesty's Treasury, and to be laid before Parliament, as by the said recited Act is provided: provided always, that it shall be lawful for the said Lord Chief Justice to fill up the office of Master on the Crown side of the said Court (such office being now also vacant) immediately after the passing of this Act, and without certifying as last aforesaid.

CAP. LV.

An Act to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.
[6th August, 1860.]

CAP. LVI.

An Act to make further Provisions for Improvements in the Harbours of the Isle of Man.
[6th August 1860.]

CAP. LVII.

An Act to authorized an Extension of the Time for Repayment of a Loan made by the West India Relief Commissioners to the Island of Dominica.
[6th August, 1860.]

CAP. LVIII.

An Act to amend the Act of the Eighteenth and Nineteenth Years of Her Majesty relating to Friendly Societies.
[6th August, 1860.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *In case of dissolution of society under sect. 13 of 18 & 19 Vict. c. 63, not necessary to state in agreement intended division of funds, but may refer the same to the award of the registrar.* In case of the dissolution of a society, according to the provisions of the thirteenth section of the Act passed in the eighteenth and nineteenth years of her Majesty, chapter sixty-three, it shall not be necessary to state in the agreement the intended appropriation or division of the funds or other property, but it shall be lawful to the members, if they shall think fit, to refer such appropriation or division to the award of the registrar; and in case application shall be made in writing by the members of a society, not being less in number than five-eighths of the whole body thereof, setting forth that the funds of such society are insufficient to meet the claims thereon, with the grounds upon which such insufficiency can be proved, it shall be lawful for the registrar to investigate the same, and if upon such investigation he shall find that the said society is in an insolvent condition, and that it would conduce to the interests of all parties concerned, that the affairs of the society should be wound up and brought to a termination, he shall make an award to that effect, and shall direct in what manner the funds and property of the society shall be divided or appropriated, and it shall not be necessary in such case that the provisions of the said thirteenth section be complied with; provided that previous to such investigation the registrar shall give not less than twenty-one days' notice in writing, to be sent by post to the trustees, secretary, or other officer of such society, at the place where such society holds its meetings. (a)

(a) The whole law respecting friendly societies was consolidated and re-enacted so recently as the year 1855. Yet some alterations were shortly found to be necessary, and were carried into effect by 21 & 22 Vict. s. 101, in 1858, but are now again amended. By the 13th section of the Act of 1855 a certain course of proceeding was provided to effect the dissolution or determination by consent of any friendly societies (but only with the consent of all the members entitled to receive benefit therefrom). And it was enacted that the intended appropriation or division of the funds or other property should be fairly and distinctly stated in the agreement for dissolution prior to such consent being given. By the 8th section, however, of the Act of 1858 this statement was made no longer necessary, but in its stead the mode of appropriation or division might be referred in the agreement for dissolution to the award of the registrar of friendly societies, or to the actuary to the Commissioners for the Reduction of the National Debt, or to an actuary of five years' standing in some London, Edinburgh, or Dublin life assurance company. The same 8th section contained a power not to be found in the general Act of 1855, under which one-fourth part of the members of any society might request the registrar of actuaries to the commissioners aforesaid to investigate the affairs of the society on the alleged ground of insolvency, and if

a dissolution were in his opinion proper to make an award to that effect, and to award in what way the funds and property should be appropriated and divided. By a subsequent section of the present Act (sect. 6) the 8th section of the Act of 1853 is, however (though not retrospectively), repealed; and the present section makes the registrar the sole referee, and changes the proportion of the members by whom an application to him for dissolution, on the ground of insolvency, may be made to that officer, from one-fourth to five-sixths of the whole body. Previously to commencing his investigation a twenty-one days' notice to the officers of the society is required by the present provision.

2. *Registrar's award to be conclusive without appeal.* Every award so made as aforesaid by the registrar shall be final and conclusive on all members and other persons having any claim on the funds of the said society, without appeal, and shall be enforced in the same manner as by section forty-one of the said Act is provided for enforcing the award of arbitrators; and the expenses of such award, and of publishing the notice of dissolution in the *Gazette*, shall be paid out of the funds of the society before any appropriation thereof shall be made. (b)

(b) This clause formed part of the repealed 8th section of 21 & 22 Vict. c. 101.

3. *Evidence of dissolution.* When any agreement for the dissolution of a society authorised by section thirteen of the said Act shall be transmitted to the registrar; and when any award authorised to be made by this Act shall be made by the registrar, notice thereof shall, within twenty-one days after the same shall have been so transmitted or made respectively, be advertised by the registrar, as respects societies in England in the *London Gazette*, as respects societies in Scotland in the *Edinburgh Gazette*, and as respects societies in Ireland in the *Dublin Gazette*; and unless within three calendar months from the date of the gazette in which such advertisement shall appear, a member or other person interested in or having any claim on the funds of the society shall commence proceedings to set aside the dissolution of the society consequent upon such agreement or award, the society shall be considered for all intents and purposes, and in all courts of law and equity, as legally dissolved, and the requisite consents to such agreement, or, as the case may be, to the application to the registrar, to have been duly obtained, without proof of the signatures thereto.

4. *Registrar's annual report to contain particulars of awards.* The registrar in his next annual report submitted to Parliament shall set forth the particulars of every award made under the provisions of this Act which he may have made during the preceding twelve months.

5. *Provisions as to Societies dissolved before the passing of this Act.* In regard to societies which have been dissolved before the passing of this Act, if notice of any agreement for the dissolution of such society, already transmitted to the registrar, or of any award made under section thirteen of the said Act, shall within three months after the passing of this Act be advertised in such gazette as aforesaid, the provisions of section three of this Act shall apply in the same way as if such agreement and award had been transmitted and made subsequent to the passing of this Act.

6. *Sect. 8 of 21 & 22 Vict. c. 101, repealed.* The eighth section of the Act passed in the twenty-first and twenty-second years of her Majesty, chapter one hundred and one, is hereby repealed; but where, previously to the passing of this Act, any application has been made to the registrar respecting the dissolution of a society under the said section, such society shall be dissolved in the same manner and with the same incidents as if this Act were not passed, and for the purposes of such dissolution the said section shall be deemed to remain in full force.

(c) As to this section, see the observations to sect. 1.

7. *Penalty for not making annual return in compliance with sect. 45 of 18 & 19 Vict. c. 63.* If default shall be made in transmitting to the registrar before the first day of June in each year the general statement or copy of the last annual report of any society, in compliance with the provisions of section forty-five of the Act of the session of the eighteenth and nineteenth of Victoria, chapter sixty-three, the officer

making such default shall be liable to a penalty not exceeding twenty shillings, to be recovered, with costs, at the suit of the registrar, before two or more justices, as to England in manner directed by an Act passed in the session holden in the eleventh and twelfth years of the reign of her Majesty Queen Victoria, chapter forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders," and as to Scotland before two or more justices or the sheriff of the county, in manner directed by the Act passed in the session of Parliament holden in the seventeenth and eighteenth years of the reign of her Majesty Queen Victoria, chapter one hundred and four, intituled "An Act to amend or consolidate the Acts relating to Merchant Shipping," as regards offences in Scotland against that Act, not being offences by that Act described as felonies or misdemeanours, and as to Ireland in manner directed by the Act passed in the session holden in the fourteenth and fifteenth years of the reign of her Majesty Queen Victoria, chapter ninety-three, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland," or any Act passed for the amendment of the above-mentioned Acts; and the justices or sheriff imposing any penalty under this Act may direct the whole or any part thereof to be applied in or towards payment of the costs of the proceedings; and subject to such direction all penalties shall be paid into the receipt of her Majesty's Exchequer, in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom of Great Britain and Ireland. (d)

(d) By 18 & 19 Vict. c. 63, s. 45, the "trustees" of every friendly society, or the "officer of such society appointed to prepare returns," are required to forward to the registrar the above returns in January, February, or March. Other returns are by the same section required from the same persons, but no penalties being attached to a breach of these duties, the provision has been found practically inoperative. It will be remarked that the penal proceedings now given, applies only to a neglect in transmitting the annual report, and not to the other returns required by the 45th section of the Act of 1855. Moreover the Act speaks only of recovering the penalty from the officer making default; referring, apparently, to the officer appointed by the society to prepare the returns; but if no such officer be appointed, it may be doubtful whether it would be safe to proceed under it against the trustees.

8. *If accounts not made to commissioners, pursuant to sect. 34 of 18 & 19 Vict. c. 63, interest thereon to cease, &c.* If the accounts and returns required from certain friendly societies by the commissioners for the reduction of the national debt, pursuant to sect. 34 of the said Act, be not made within thirty days after the same have been required, the account of the said society shall be closed by the said commissioners, and thenceforth no interest shall be credited to such society thereon, until such accounts and returns shall be furnished to the said commissioners, or the money be withdrawn.

9. *Application by registrar.* Any application authorised by section twenty-four of the said recited Act to be made by any person on behalf of a society, may be made by the registrar (e).

(e) This refers to a complaint to a justice by any person on behalf of a society, that any member or other person has by false representations or imposition obtained, or retains, or has misapplied, any of the society's effects.

10. *This and Friendly Societies Acts to be construed as one.* This Act and the Friendly Societies Acts, 1855 and 1858, shall be construed as one Act, and may be cited together for all purposes as the Friendly Societies Acts.

CAP. LIX.

An Act to extend the Provisions of the Universities and College Estates Act (1858), and of the Copyhold Acts, and of the Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and thirteen, and of the Seventeenth and Eighteenth

Years of the same Reign, Chapter Eighty-four, so far as the same relate to Universities and Colleges.

[6th August, 1860.

WHEREAS it is expedient that the provisions of "The Universities and College Estates Act, 1858," should be extended, and that power should be given to universities and colleges, with the consent hereafter required, to raise moneys by mortgage under proper restrictions to provide compensation for the loss of fines on non-renewal of leases: be it enacted, &c., as follows:—

1. *Power to raise moneys by mortgage by way of compensation for loss of fines on non-renewal of leases.* Whenever any lease of any lands belonging to the universities of Oxford, Cambridge, or Durham respectively, or any college therein respectively, or the colleges of St. Mary of Winchester near Winchester, or of King Henry the Sixth at Eton, the leases of which have been customarily renewed on payment of a fine, shall from any cause whatever (other than the refusal of the university or college entitled to the reversion of such lands to accept such a sum of money by way of fine as shall be deemed reasonable by the copyhold commissioners, and shall be tendered by the lessee at the first and each successive time of renewal after the commencement of this Act, or within three months of such time, for the renewal of any lease theretofore regularly renewed,) remain unrenewed at any customary period of renewal, or whenever any loss of fines shall have been occasioned by the surrender of any lease upon any transaction by way of sale or exchange between the said universities or colleges and their lessees, under the fourth section of the Universities and Colleges Estates Act, 1858, it shall be lawful for the said universities and colleges respectively from time to time, with the consent of the copyhold commissioners (such consent to be evidenced by an order to be issued under their hands and the common seal of their board), to raise by mortgage of any lands belonging to such university or college for any term of years (determinable as herein-after provided) such sum or sums of money (together with all reasonable costs and expenses incidental to such raising) as shall be required, and be stated in such order, with interest thereon not exceeding the rate to be specified in such order for the purpose of paying, by way of indemnity, to the then existing members of such university or college the same amount of money which would have accrued to the said members if any such lease as aforesaid had been renewed in manner theretofore accustomed: Provided always, that the said power of raising monies by mortgage shall not be exercised for the purpose of providing for the loss of more than two fines in respect of the same lands, and that upon the creation of any such mortgage provision shall be made by such university or college, with the approval of the said copyhold commissioners, for the discharge of the borrowed monies by some or one of the modes prescribed by the twenty-eighth section of "The Universities and College Estates Act, 1858," or otherwise so and in such manner as that the principal money to be borrowed at each customary period of renewal in respect of the same lands may be discharged with the means interest of such money within or at the expiration of thirty years from the borrowing thereof; provided also, that in every such mortgage there shall be contained a proviso that when the whole of such principal monies, interest, and costs shall be discharged, the mortgage term thereby created shall absolutely cease: provided always, that after any sum shall have been raised under the power herein-before contained in lieu of the fines payable in respect of any lease of any lands, no fine shall thenceforth be taken for the renewal or grant of any lease of the same lands.

2. *Form of order to be issued by Copyhold Commissioners evidencing their consent.* The order to be issued by the said commissioners pursuant to the foregoing provisions shall be similar to the "Form of Order authorising a Mortgage," contained in the schedule to the said "Universities and College Estates Act, 1858," with such variations only as the circumstances of the case shall necessarily require.

3. *Lands once leased at rack-rent not thereafter to be leased upon fines.* Where any lands belonging to any such university or college as aforesaid shall at any time have been leased at the best and most improved yearly rent without fine, no fine, premium, or foregift, or anything in the nature thereof, shall thereafter be taken by such university or college for the grant or renewal of any lease of the same lands.

4. *Amendment of certain provisions of the copyhold Acts, with respect to universities and colleges.* And whereas it is expedi-

ent that certain provisions of the copyhold Acts, so far as the same provisions relate to universities and colleges, should be amended and explained as hereafter provided: be it further enacted, that where any manor belonging to any of the universities of Oxford, Cambridge, and Durham respectively, or any college therein respectively, or the colleges of St. Mary of Winchester, near Winchester, or King Henry the Sixth at Eton, shall be held by any person or persons on lease for a life or lives, or for a term of years, granted by any such university or college, the university or college entitled to such manor in reversion expectant on such lease, and the lessee thereof as aforesaid, shall jointly constitute "the lord" of such manor within the meaning of "The Copyhold Acts;" and all consideration monies payable to the lord of any such manor under the same Acts shall be dealt with in the manner directed by the thirty-ninth section of "The Copyhold Act, 1852," or the sixteenth section of "The Copyhold Act, 1858," (due notice of any such dealing being previously given to the university or college entitled as aforesaid,) until the time when the reversionary interest of such university or college in the manorial rights of such manor would, if the same had not been extinguished, have come into possession when the said consideration monies, or any securities in which the same may have been invested, shall, upon petition to the Court of Chancery or on application to the trustees in whom the same shall then be vested (as the case may be), be paid or transferred to the copyhold commissioners to the account of the university or college entitled thereto, in the same manner and to be applied for the same purposes as enfranchisement monies payable for the benefit of any university or college are directed to be paid and applied by the first section of "The Universities and Colleges Estates Act, 1858."

5. *Power to transfer lands vested in individual members of universities or colleges to the university or college in its corporate capacity upon like trusts.* When any lands shall be vested in any person or persons being a member or members of any of the said universities or colleges in trust or for the benefit of the university or college, or the head or any other member thereof, it shall be lawful for such person or persons (with the consent of the said copyhold commissioners, to be signified by any writing under their hands and the common seal of their board) to convey and transfer such lands in such manner as that the same may be vested in the university or college in its corporate capacity, upon the trusts nevertheless affecting the same lands respectively.

6. *Two copyhold commissioners to form a board for exercise of powers under 21 & 22 Vict. c. 44.* Any two of the copyhold commissioners shall form a board for the exercise of the powers and authorities conferred on the said commissioners by "The Universities and Colleges Estates Act, 1858," and this Act; and any order, power of attorney, or other instrument issued or executed pursuant to the provisions of the said Acts, which shall have been or shall hereafter be signed by any two of the said commissioners, and sealed with the common seal of their board, shall be valid and sufficient for all purposes whatsoever.

7. *Extension of certain provisions of the 3 & 4 Vict. c. 113, with respect to universities and colleges.* And whereas it is expedient that the provisions of the Act of the third and fourth years of the reign of her Majesty (chapter one hundred and thirteen), and also of the Act of the seventeenth and eighteenth years of the same reign (chapter eighty-four), so far as the same relate to universities and colleges, should be extended and amended as hereafter provided: be it further enacted, that section sixty-nine of the said Act of the third and fourth years of her Majesty shall be construed to extend to and shall include as well benefices with cure of souls as ecclesiastical rectories, prebends, and other preferments without cure of souls, advowsons, and rights of patronage, whether exclusive or alternate, impropriate rectories, and other lands and hereditaments annexed or belonging to, or held either wholly or partly by, or in trust for, any of the universities of Oxford, Cambridge, and Durham, or any college therein respectively, or either of the colleges of St. Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, or the head or any other member of any such college, and also to extend to and to include and to authorise sales by each of the same universities, as well as each of the colleges therein respectively, and the said colleges of St. Mary of Winchester near Winchester, and of King Henry the Sixth at Eton, and shall also be construed to enable the said universities or colleges to sell advowsons of benefices the patronage whereof shall be vested in any person or persons in trust for any of the said universities or colleges

or for the benefit of the head or any other member thereof respectively, and also to authorize, under the authority herein-after mentioned, the annexation of the whole or any part of the lands or other hereditaments or endowments belonging to any such ecclesiastical rectory, prebend, or other preferment without cure of souls, impropriate rectories, and other lands and hereditaments aforesaid, or the application of the proceeds of any sale thereof, and also the application of the proceeds of any sale of advowsons and rights of patronage, or any part of the proceeds of any such sales, which may be made under the said section of the said last-mentioned Act, or "The Universities and Colleges Estates Act, 1858," or under any other authority, or of any monies, stocks, funds, or securities belonging to such university, college, head, or member, by way of endowment or augmentation of any benefice with cure of souls, the patronage whereof shall belong to or be held in trust for or for the benefit of such university or college, or the head or other member thereof: provided nevertheless, that the powers conferred by this clause shall not be exercised to the prejudice of the existing interest of any such head or other member of a college without his consent; and in case of any diminution being occasioned in the income of any such head or other member of a college by any sale, annexation, purchase, or investment that may be made under the provisions of the said Acts, arrangements may be made under the like authority for giving to such head or other member adequate compensation for such diminution of his income out of the revenues of such college, or out of the proceeds of any such sale or investment; and the said section of the said last-mentioned Act shall extend to authorise under the like authority the purchase out of any of the corporate funds or revenues of any such university or college of advowsons of benefices, and also of any rights of perpetual presentation or nomination to benefices, whether such benefices be or be not annexed to or held by or in trust for any of the said universities, or any such college as aforesaid or the head or other member of any such college, to be added to those in the patronage of such university or college; and the words "colleges" and "college" in the said section of the said last-mentioned Act shall include the cathedral or house of Christ Church in Oxford, and the words "proper securities" in the same section shall be construed to extend to authorise and shall include the purchase of lands in fee simple, and also an investment on any of the parliamentary stocks or public funds of Great Britain; and all such securities, lands, and stocks or funds shall be settled, held, applied, or disposed of in such manner as by the university or college effecting such sale, purchase, or investment, and by the like authority, shall be arranged and determined in that behalf; and every endowment or augmentation which shall be made by any university or college of any benefice with cure of souls under the authority of this section, or by virtue of the provisions of the Act of the first and second years of his late Majesty King William the Fourth (chapter forty-five), or any other Act or Acts of Parliament, shall be valid notwithstanding the clear annual value of such benefice shall at the time of such endowment or augmentation exceed or be thereby made to exceed the limits prescribed by the sixteenth section of the said Act of the first and second years of King William the Fourth, or any other Act or Acts of Parliament: provided that no such augmentation or endowment beyond the clear annual value of five hundred pounds shall be made under the said Act of the first and second years of King William the Fourth, except with the consent of the Ecclesiastical Commissioners for England (to be testified by writing under their common seal), in addition to such other consents as may be otherwise required thereto.

8. *Provision as to right of patronage severed.* On the sale or annexation under the last preceding clause of any ecclesiastical rectory, prebend, or other preferment without cure of souls, or of any impropriate rectory to which any right of patronage shall belong, and which is not intended to be included in such sale or to accompany such annexation, such right of patronage shall immediately after such sale or annexation be separated from and be no longer exercised by the holder of such ecclesiastical rectory, prebend, or other preferment without cure of souls, or impropriate rectory, but shall by force of this Act be absolutely transferred to and vested in the university or college, the former patrons or owners of such ecclesiastical rectory, prebend, or other preferment or impropriate rectory.

9. *The 8 & 9 Vict. c. 18, incorporated.* The Lands Clauses Consolidation Act, 1845 (except such parts thereof as relate to the purchase of lands otherwise than by agreement, and to

the recovery of forfeitures, penalties, and costs, and to the sale of superfluous lands, shall be incorporated with and form part of the said section sixty-nine of the said Act of the third and fourth years of her Majesty (chapter one hundred and thirteen) as extended by this Act, and as if the corporate name or denomination of the university or college in each particular case had been inserted therein instead of "the promoters of the undertaking;" provided that the powers by the said Act vested in "the promoters of the undertaking" shall be exercised only by such university or college with the consent of the Ecclesiastical Commissioners for England testified as aforesaid.

10. *The Ecclesiastical Commissioners constituted "the authority" referred to.* "The authority" hereinbefore and in the said Act of the third and fourth years of her Majesty provided shall, so far as relates to universities and colleges, be and be deemed to be "The Ecclesiastical Commissioners for England," and such authority shall be deemed to be sufficiently exercised and evidenced by any writing under their common seal.

11. *Power to substitute land or other permanent endowment in lieu of annual rents or other payments, in extension of certain provisions of 17 & 18 Vict. c. 84.* Where any rent or annual sum of money granted, reserved, or made payable, or to be granted, reserved, or made payable under any of the powers of the said Act of the seventeenth and eighteenth years of her Majesty (chapter eighty-four), or of the several Acts therein mentioned, or otherwise, to the incumbent of any church or chapel, by way of endowment, or in augmentation of the endowment of any such church or chapel, is or shall be charged upon or made payable out of any rectory impropriate tithes, annual revenues, lands, tenements, or other hereditaments belonging to any of the said universities or colleges respectively, it shall be lawful for the said universities and colleges respectively, with the consent of the incumbent for the time being of the said church or chapel, and also with the consent of the archbishop or bishop of the diocese within which the said church or chapel shall be situate, and also of the patron or patrons of the said church or chapel (such consent to be signified by the said consenting parties respectively executing the deed or deeds herein-after mentioned,) and notwithstanding any statute or law to the contrary, by deed duly executed, to appropriate and annex in perpetuity to such church or chapel any lands, tithes, or portion of tithes, or other hereditaments belonging to any such university or college as aforesaid, to the intent that the same may be held and enjoyed by the incumbent for the time being of such church or chapel in lieu of and substitution for such rent or annual sum of money as aforesaid; and it shall be lawful for the said incumbent for the time being to accept to him and his successors such substituted endowment or augmentation, and thereupon by the same or any other deed duly executed by him, and with such consents and so signified as aforesaid, to release any impropriate rectory tithes, annual revenues, lands, tenements, or other hereditaments theretofore charged with the said rent or annual sum of money, and the premises so released shall be thenceforth wholly discharged from the said rent or sum of money, and from all powers and remedies for the recovery thereof: provided always, that no consent of any archbishop or bishop shall be given to any such annexation and release respectively as aforesaid unless such substituted endowment or augmentation shall be proved to the satisfaction of the said archbishop or bishop to produce an income which shall exceed or be fully equal to the rent or annual sum of money for which the same shall be substituted and be expressed to be so proved in the deed by which such consent shall be signified; provided also, that when any lands, tithes, or portions of tithes, or other hereditaments, which shall be so annexed as aforesaid, shall be comprised in any subsisting lease or leases, previously granted thereof, such annexation shall not prejudice or affect any such subsisting lease or leases; but in every such case any rent or rents reserved by any such lease or leases, or a proportionate part thereof (in case other hereditaments shall also be comprised in such lease or leases), shall, during the continuance of the said lease or leases be payable to the incumbent for the time being of the church or chapel to which the premises shall be annexed as aforesaid, and such incumbent for the time being shall have all the same powers for the recovery of the said rent or rents, or of the proportionate part thereof, as aforesaid, as the university or college by whom the annexation shall have been made might have had in case the premises had not been so annexed.

12. *Interpretation of terms.* This Act shall be read and construed according to the definitions and interpretations contained in the thirty-first and thirty-second sections of "The

Universities and College Estates Act, 1858," and the word "college" in the said Act of the third and fourth years of her Majesty and in this Act shall be interpreted to include any "hall" in the said universities or either of them.

13. *Short title.* It shall be sufficient for all purposes to cite this Act as "The Universities and College Estates Act Extension, 1860."

CAP. LX.

An Act to amend the Act for regulating the Queen's Prison, [6th August, 1860.]

WHEREAS by an Act of the session holden in the fifth and sixth years of her Majesty, chapter twenty-two, for consolidating the Queen's Bench, Fleet, and Marshalsea prisons, and for regulating the Queen's Prison, it is enacted, that if any prisoner confined in the Queen's Prison should become or be found to be of unsound mind during his or her imprisonment, and should be so reported by the marshal or keeper thereof to one of her Majesty's Principal Secretaries of State, it should be lawful for such Secretary of State by warrant under his hand directed to the said marshal or keeper, upon the certificate of two physicians or surgeons that such prisoner is of unsound mind, to order that such prisoner should be forthwith removed to the Royal Hospital of Bethlehem; and the president, treasurer, and governors of Bethlehem Hospital should be bound to receive such prisoner, and him or her safely to keep until a warrant of the Secretary of State should be directed to them for re-delivery of such prisoner into the custody of the marshal or keeper of the Queen's Prison, as therein-after provided, and that every prisoner so removed should remain under confinement in Bethlehem Hospital until it should be duly certified to one of her Majesty's Principal Secretaries of State, by two physicians or surgeons, that such prisoner had become of sound mind, whereupon the Secretary of State should issue his warrant to the president, treasurer, and governors of Bethlehem Hospital, ordering that such prisoner be re-delivered into the custody of the marshal or keeper of the Queen's Prison, for the purpose of being remanded to the Queen's Prison: and whereas it is expedient that further provision should be made as to prisoners removed to Bethlehem Hospital as aforesaid, where they continue of unsound mind after they would have been entitled to be discharged from the Queen's Prison: be it enacted, &c., as follows:—(a)

(a) The provision here recited is the 14th section of the 5 & 6 Vict. c. 22, the Act by which (as amended by 11 & 12 Vict. c. 7) the Queen's Bench, the Fleet and the Marshalsea Prisons were consolidated into one; and appropriated to debtors and criminals confined under process or by authority of the superior courts of law at Westminster, and the High Court of Admiralty, and also to persons imprisoned under the bankrupt law. It applies, it will be observed, to the case of a prisoner becoming insane during his confinement in the Queen's Prison. The case of a prisoner becoming insane while confined elsewhere, or being not tried, or acquitted on the ground of insanity, under the provisions of 39 & 40 Geo. 3, c. 94; 56 Geo. 3, c. 117; and 3 & 4 Vict. c. 54 (as to which see *Reg. v. Goode* (7 A. & E. 586), and *Reg. v. Little* (Russ. & R. C. C. R. 430), being provided for by another Act of this session (*infra*, c. 72).

1. *Prisoners sent to Bethlehem Hospital under 5 & 6 Vict. c. 22, may be removed when they would have been entitled to their discharge from the prison.* Where any prisoner has been removed from the Queen's Prison to the said Hospital of Bethlehem under the recited enactment, and has not been duly certified to have become of sound mind, but the term of his imprisonment has expired, or by reason of the discharge of his debts or otherwise such prisoner, if he had been of sound mind, and had continued in the Queen's Prison, would have been entitled to be discharged, it shall be lawful for one of her Majesty's Principal Secretaries of State, if he so think fit, by his warrant directed to the president, treasurer, and governors of Bethlehem Hospital, upon the application of any person who shall be named in such warrant, to order the removal of such prisoner to any other registered hospital, or to any lunatic asylum or house licensed for the reception of lunatics, or to the care or charge of any person mentioned or named in such warrant for this purpose, and every such warrant shall be made in duplicate, and one of the duplicates shall be delivered to and left with the superintendent of the said Hospital of

Bethlehem, and the other duplicate shall be delivered to and left with the superintendent or proprietor of the hospital, asylum, or house into which or the person into whose care or charge the prisoner is ordered to be removed, and such warrant shall be a sufficient authority for the removal of such prisoner, and also for his reception into the hospital, asylum, or licensed house into which, or by the person into whose care or charge he is ordered to be removed, and thereafter the authority of the Secretary of State in relation to the prisoner so removed shall cease. (b)

(b) It appears by this section that it is the object of the Act to provide against the discharge of a prisoner—becoming lunatic while undergoing his punishment, and removed to Bethlehem Hospital or other asylum under a Secretary of State's warrant—after the term of his imprisonment has expired, but before reason has returned. The mode of preventing this, it will be observed, is to authorize the lunatic to be removed by the authorities of the hospital or asylum (upon a Secretary of State's warrant) to some other proper receptacle for lunatics, after which (by s. 2) the lunatic is to be considered and treated as an ordinary lunatic, and within the provisions of the Lunacy Acts. [See 8 & 9 Vict. c. 100, amended by 16 & 17 Vict. c. 96; and 16 & 17 Vict. c. 97 (the Lunatic Asylums Act, 1853), amended by 18 & 19 Vict. c. 105, and 19 & 20 Vict. c. 87.]

2. *Lunatics removed from Bethlehem under this Act to be within the provisions of the Lunacy Act.* Any prisoner removed under this Act to any hospital, asylum, or licensed house, or into the care or charge of any person other than the person upon whose application the warrant of the Secretary of State is mentioned to have been made, shall be considered and treated as an ordinary lunatic patient, under the Acts for the regulation of the care and treatment of lunatics, and the said applicant for the warrant shall have the same powers, rights, and liabilities as if he had signed an order for the reception of the lunatic under the said Acts, upon which such lunatic had been lawfully received into such asylum, registered hospital, or licensed house, or by the person into whose care or charge he is removed.

CAP. LXI.

An Act for taking the Census of England.

[6th August, 1860.

WHEREAS it is expedient to take the census of England in the year one thousand eight hundred and sixty-one: be it enacted, &c., as follows—(a)

(a) The statute authorising the last census was 13 & 14 Vict. c. 53. That census was taken on the 31st March, 1851, and on that date the number of persons then within Great Britain, including the islands of Jersey, Guernsey, and Man, was 20,936,468.

1. *Secretary of State to superintend the taking of the census.* One of her Majesty's Principal Secretaries of State shall have the care of superintending the taking of the census, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary; and the Registrar-General shall issue all such forms and instructions to the persons for whose use they shall be intended; and all the expenses which shall be incurred by authority of such Secretary of State under this Act shall be paid out of such monies as shall be provided by Parliament for that purpose.

2. *Registrar's sub-districts to be formed into enumerator's divisions.* Every registrar's sub-district in England shall be formed into enumerator's divisions according to instructions to be prepared by or under the direction of such Secretary of State, who shall cause a sufficient number of copies of such instructions to be sent to every registrar of births and deaths in England; and the registrars, with all convenient speed, shall divide the several sub-districts into enumerator's divisions, according to such instructions, and subject in each case to be revised by the superintendent registrar, and to the final revision and approval of the said Registrar-General.

3. *Enumerators to be appointed.* The several registrars of births and deaths in England shall make and return to their respective superintendent registrars a list containing the names

and places of abode of a sufficient number of persons, duly qualified according to instructions to be prepared by or under the direction of such Secretary of State, to act as enumerators within their several sub-districts, and such persons, when approved of by the superintendent registrar, shall be appointed by him enumerators for taking the census, subject nevertheless to the approval of the said Registrar-General; and the registrar, with the approval of the superintendent registrar, shall assign a division to each enumerator, and shall distribute to the several enumerators in his sub-district the forms and instructions which shall have been issued for that purpose by the Registrar-General, and shall personally ascertain that each enumerator thoroughly understands the manner in which the duties required of him are to be performed.

4. *Householders' schedules to be left at dwelling houses—Occupiers to fill up the schedules and sign and deliver them to the enumerator—Penalty for neglect.* Schedules shall be prepared by or under the direction of such Secretary of State for the purpose of being filled up by or on behalf of the several occupiers of dwelling houses as herein-after provided, with particulars of the name, sex, age, rank, profession, or occupation, condition, relation to head of family, and birth-place of every living person who abode in every house on the night of Sunday the seventh day of April one thousand eight hundred and sixty-one, and also whether any were blind, or deaf and dumb; and the registrars in England shall in the course of the week ending on Saturday the sixth day of April in the year one thousand eight hundred and sixty-one leave or cause to be left at every dwelling house within their respective sub-districts one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling house (or where such dwelling house is let in different stories or apartments, and occupied distinctly by different persons or families, by the occupier of each such distinct story or apartment), and that the enumerator will collect all such schedules within his division on the Monday then next following; and every occupier of any dwelling house, or of any distinct story or apartment in any dwelling house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereunto, and shall deliver the schedule, so filled up, or cause the same to be delivered, to the enumerator, when required to do so; and every such occupier who shall wilfully refuse or without lawful excuse neglect to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false return of all or any of the matters specified in the said schedule, shall forfeit a sum not more than five pounds nor less than twenty shillings. (b)

(b) The particulars here required are more numerous than those under the Act of 1850. That statute, by sect. 5, required the enumerators only to take an account of the name, sex, age, and occupation of the inmates of each house, distinguishing such as were foreigners. The present Act requires in addition the relation of each of such inmates to the head of the family, and their respective birth places, as well as their "condition"—the meaning of which, as distinct from "rank, profession, or occupation," does not seem quite clear; but it probably means whether married, single, or widowed. This will be seen, however, by the schedule itself, when it is issued. It is to be observed that the words "religious profession" do not appear in this Act, though it is otherwise with regard to Ireland, as provided in the following Act. The minimum penalty for neglect in filling up the schedule, or for making a wilful false return, is, under the present section, twenty shillings; under the Act of 1850 it was (sect. 13) two pounds.

5. *Schedules to be collected from house to house, and corrected (if found to be erroneous).* The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division from house to house, so far as may be possible, on Monday the eighth day of April in the year one thousand eight hundred and sixty-one

and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the schedules, when completed and corrected, into books to be provided them for that purpose, and shall add thereunto an account, according to the best information which they shall be able to obtain, of all the other persons living within their division who shall not be included in the schedules so collected by them.

6. *Enumerators to take an account of houses, &c., and to distinguish the boundaries of parishes, boroughs, &c.—Enumerators to deliver their books with the householders' schedules to the registrar.* Every enumerator shall also take an account of the occupied houses, and of the houses then building and therefore uninhabited, and also of all other uninhabited houses within his division; and shall also take an account of all such particulars herein-before mentioned, and none others, as by the forms and instructions which may be issued under this Act they may be directed to inquire into; and in the book into which he shall have copied the householders' schedules and other particulars, as herein-before directed, each enumerator shall distinguish the several parishes and places maintaining their own poor within his division, or such parts thereof as shall be within his division, and shall also distinguish those parishes and places or parts of parishes and places within his division which are within the limits of any city or borough returning or contributing to return a member or members to serve in Parliament, or of any incorporated city or borough, or of any ecclesiastical district, and shall deliver such book to the registrar of the sub-district, together with the householders' schedules collected by him, and shall sign a form or declaration to the effect that the said book has been truly and faithfully filled up by him, and that to the best of his knowledge the same is correct, so far as may be known; which form of declaration shall be prepared by or under the direction of such Secretary of State, and issued by the Registrar-General with the forms and instructions aforesaid.

7. *Registrars to verify the enumerators' books.* The registrar to whom such enumeration book shall be delivered shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if not shall cause any defect or inaccuracy in the said book to be supplied, so far as may appear possible; and when the books shall have been made as accurate as is possible the registrar shall deliver them to the superintendent registrar of his sub-district.

8. *Superintendent registrars to examine the enumerators' books, and return them to the Registrar-General.* The superintendent registrar shall examine all the books which shall be so delivered to him, and shall satisfy himself how far the registrars have duly performed the duties required of them by this Act, and shall cause any inaccuracies which he shall discover in such books to be corrected, so far as may be possible, and shall return on or before the first day of May one thousand eight hundred and sixty-one all the books which shall have been delivered to him by the Registrar-General, for the use of such Secretary of State.

9. *An abstract of returns to be printed and laid before Parliament.* The Secretary of State shall cause an abstract to be made of the said returns; and such abstract shall be printed, and laid before both Houses of Parliament within twelve calendar months next after the first day of June in the year one thousand eight hundred and sixty-one, if Parliament be sitting, or if Parliament be not sitting, then within the first fourteen days of the session then next ensuing.

10. *Masters, &c., of gaols, &c., to be appointed enumerators of the inmates thereof.* The master or keeper of every gaol, prison, or house of correction, workhouse, hospital, or lunatic asylum, and of every public or charitable institution, which shall be determined upon by the said Registrar-General, shall be the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of one of the said Secretaries of State, for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates.

11. *Overseers, peace officers, and relieving officers of unions formed under 4 & 5 W. 4, c. 76, bound to act as enumerators.* The overseers of the poor in every parish, township, and place in England, and the constables, tithing-men, headboroughs, or other peace officers for such parishes, townships, and places, and the relieving officers in any union formed under the provisions of an Act passed in the fifth year of King William the Fourth, intitled "An Act for the Amend-

ment and better Administration of the Laws relating to the Poor in England and Wales," shall be bound to act as enumerators under this Act within their respective townships, parishes, and places, and unions, if required so to act by one of the said Secretaries of State, and where they shall so act shall be entitled to allowances as enumerators under the provisions of this Act; and every such overseer, relieving officer, constable, tithingman, headborough, and other peace officer who shall refuse or wilfully neglect so to act, and duly to perform the duties required of the said enumerators by this Act, shall for every such offence forfeit a sum not more than ten pounds nor less than five pounds.

12. *Returns of houseless poor and of persons travelling or on shipboard.* The Secretary of State shall obtain, by such ways and means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with respect to all houseless persons, and all persons who during the said night of Sunday the seventh day of April were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators, and other persons as aforesaid, and shall include such returns in the abstract to be made by him as aforesaid.

13. *Table of allowances to enumerators in England.* One of the said Secretaries of State shall cause to be prepared a table of allowances to be made to the several enumerators, registrars, superintendent registrars, and other persons in England employed in the execution of this Act; and such table when approved by the Commissioners of her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the first day of March one thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first fourteen days of the session then next ensuing.

14. *Payments to be certified to the Registrar-General.* The superintendent registrar of every district in England shall, within one calendar month next after the taking of the census certify to the said Registrar-General the total amount of the allowances to which he and the registrars, enumerators, and other persons in that district are respectively entitled, according to the said table.

15. *Manner in which the payments shall be made to persons employed in execution of this Act in England.* The Commissioners of her Majesty's Treasury shall through the Registrar-General pay to each superintendent registrar out of the moneys provided by Parliament for that purpose, the whole amount of the allowances to which the said superintendent registrar, and the registrars, enumerators, and other persons in each district, are severally entitled according to the said table; and each superintendent registrar shall pay over to the registrars in his district the allowances to which the said registrars are entitled; and shall also pay over or cause to be paid over to the enumerators and other persons in his district the allowances to which they are severally entitled, according to the said table; and the receipts to be given by the enumerators and other persons, and registrars, for payment of their said allowances, shall be delivered to the superintendent registrar, who shall transmit the same together with the receipt for his own allowance, to the Registrar-General; provided always, that no such payment shall be made to any enumerator or other person who shall be required to act as an enumerator under this Act, but upon production of a certificate under the hand of the registrar that the duties required of such enumerator or other person acting as enumerator by this Act have been faithfully performed, and the like certificate shall be required under the hand of the superintendent registrar with respect to the registrar before any payment shall be made to the registrar, and the like certificate under the hand of the said Registrar-General with respect to the superintendent registrar before any payment shall be made to the superintendent registrar.

16. *Penalty on persons for wilful default.* Every superintendent registrar and registrar, and every enumerator and other person who shall be required to act as enumerator, in England, so appointed as aforesaid, making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding five pounds nor less than two pounds.

17. *Penalty for refusing information or giving false answers.* The enumerators and other persons employed in the execution of this Act shall be authorised to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the said Secretary of

State, which shall be necessary for obtaining the returns required by this Act; and every person refusing to answer or willfully giving a false answer to such questions or any of them, shall for every such refusal or willfully false answer forfeit a sum not exceeding five pounds nor less than twenty shillings.

18. *Recovery and application of penalties.*] All penalties imposed by this Act shall be recovered in a summary manner before two justices of the peace having jurisdiction in the county or place where the offence is committed, in the manner prescribed by law in this behalf; and shall be paid, one half to the informer, and the other half to the treasurer of the county or place for which the justices before whom the forfeiture is recovered shall have acted, to be by him applied in aid of the expenditure.

19. *Interpretation of terms.*] In the construction of this Act, the words "parish or place, parishes or places," shall include the various denominations of townships, tithings, hamlets, villages, chapeltries, quarters, wards, parcells, lordships, manors, or parts of any parish, and all other places, whether denominated villis, precincts, or otherwise, and whether connected with any parish, or deemed to be extra-parochial; and the words "dwelling-house" shall include all buildings and tenements of which the whole or any part shall be used for the purpose of human habitation. (c)

(c) The previous Act excluded Scotland within its provisions. The present census will be of England alone, and of Ireland as provided by the statute next following.

CAP. LXII.

An Act for taking the Census of Ireland.

[6th August, 1860.

CAP. LXIII.

An Act to amend the Act of the Twenty-first and Twenty-second Years of Victoria, Chapter Forty-nine, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.

[6th August, 1860.

WHEREAS it is expedient to amend the Act of the twenty-first and twenty-second Victoria, chapter forty-nine, so far as the same relates to members of the House of Commons: be it therefore enacted, &c., as follows:—

1. *Omission of certain words in oath prescribed by 21 & 22 Vict. c. 48, when taken by persons professing the Jewish religion.*] Whenever the House of Commons shall order that any resolution agreed to pursuant to the first section of the said recited Act in the same session shall be a standing order of the House, any member professing the Jewish religion may thenceforth be sworn pursuant to such standing order, so long as the same shall continue in force; and it shall be lawful for such member, in taking and subscribing the oath which by the Act of the twenty-first and twenty-second Victoria, chapter forty-eight, was substituted for the oaths of allegiance, supremacy, and abjuration, to omit the words, "And I make this declaration upon the true faith of a Christian;" and the taking and subscribing by such member, pursuant to such standing order, of the oath so modified shall, so far as respects the title to sit and vote in such House, have the same force and effect as the taking and subscribing by other members of the said oath in the form required by the last-mentioned Act.

OBSERVATIONS ON THE ABOVE ACT.

By 21 & 22 Vict. c. 48, the former oaths of allegiance, supremacy, and abjuration, were consolidated into a single oath, then established by way of substitution; which oath, however (in like manner as the oath of abjuration in the form established by 6 Geo. 3, c. 53), concludes with the words "on the true faith of a Christian." Hence (see *Salomons v. Miller*, 8 Exch. 778), no person who professes the Jewish religion can, unless excused by some statute, take upon himself any office or condition which requires this oath to be taken. Such persons have, however, been long relieved from this disability so far as regards offices in *municipal corporations* (see 8 & 9 Vict. c. 52) on condition of their signing a declaration not to exercise their influence so as to injure or weaken the Protestant Church; and for their still more effectual relief, it was by 21

& 22 Vict. c. 49, further provided that whenever it should appear to either House of Parliament that a person otherwise entitled to sit and vote in that House was prevented by his conscientious objection to take the above oath, such House might resolve that "thenceforth" any person professing the Jewish religion in taking the above oath might omit the concluding words; and that the oath, when taken by such persons might be modified accordingly, so long as such resolution should continue in force.

And another section of the same Act directed the omission of these concluding words in all other cases when the oath was administered to a person professing the Jewish religion.

A resolution pursuant to the above provision was accordingly agreed to; and under it several members of the House of Commons professing the Jewish religion took the oath in its modified form, and sit and vote accordingly. The present Act does away with the necessity of successive "resolutions" of the House of Commons by giving the statutable effect to a *standing order* of that House, which until abrogated goes on from Parliament to Parliament.

CAP. LXIV.

An Act to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards. [6th August 1860.

WHEREAS by an Act passed in the session holden in the twentieth and twenty-first years of her Majesty (chapter eighty-one), "to amend the Burial Acts," it is provided that upon the petition of the local board of health of any district established under the Public Health Act, or upon the petition of any commissioners elected by the ratepayers and acting under or by virtue of the powers of any Local Act of Parliament for the improvement of any town, parish, or borough, stating that the district of such local board of health or of such commissioners is co-extensive with a district for which it is proposed to provide a burial ground, and that no burial board has been appointed for such district, and that an order in council has been made for closing all or any of the burial grounds within the said district, it should be lawful for her Majesty, with the advice of her Privy Council, in case her Majesty see fit so to do, to order that such local board should be a burial board for the district of such local board, or that such commissioners should be a burial board for the district of such commissioners, and that thereupon such local board or such commissioners, as the case might be, should be a burial board for such district accordingly: and whereas under "the Local Government Act, 1858," a local board may, at the option of the vestry, be the burial board in certain cases; and whereas it is expedient that such local boards and commissioners respectively, when constituted burial boards, should be authorised to provide for their expenses as hereinafter mentioned: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in the present parliament assembled, and by the authority of the same, as follows:—

1. *Expenses of local board constituted a burial board may be paid out of general district rate, or by a separate rate.*] Any money required by any local board constituted a burial board for defraying the expense of carrying into execution the powers and provisions of the Burial Acts, and of this Act in the district for which they may have been so constituted a burial board, or for paying any monies borrowed or annuities granted under the authority of the said Acts, or any interest on monies borrowed, or for providing a sinking fund for the repayment of such monies, may, if the local board so think fit, be paid out of the general district rates leviable within such district; and such local board may levy as part of the general district rate, or by a separate rate, under the name and designation of a burial rate to be assessed and recovered in like manner as a general district rate within the district for which they act as a burial board, such sums of money as shall be from time to time necessary for the purposes aforesaid, or any of them.

2. *Expenses of improvement commissioners when acting as a burial board, may be paid out of improvement rate, or by a separate rate.*] Any money required by any such commissioners as aforesaid who shall have been constituted a burial board for defraying the expense of carrying into execution the powers

and provisions of the Burial Acts in the district for which they may have been so constituted a burial board, or for paying any monies borrowed, or annuities granted under the authority of the said Acts, or any interest on monies borrowed, or for providing a sinking fund for the repayment of such monies, may, if the commissioners so think fit, be paid out of the improvement rate leviable within such district, and the commissioners as such burial board may levy as part of the improvement rate, or by a separate rate under the name and designation of a burial rate to be assessed and recovered in like manner as an improvement rate, such sums of money as shall be from time to time necessary for the purposes aforesaid, or any of them.

3. *Separate accounts to be kept.*] The local board and the commissioners respectively who may have been constituted a burial board shall keep distinct accounts of their receipts and expenditure in the exercise of their functions as such burial board; and where their expenses are defrayed by monies raised under the provisions of this Act, such accounts shall be audited in the same manner as other accounts of the receipts and expenditure of such local board and commissioners respectively, and any surplus of the monies raised by any rate made under this Act, and of the income of any burial ground provided by means of monies raised or paid under the provisions of this Act, which may remain after payment of the expenses and monies which should be defrayed or paid under the Burial Acts, shall be applied in aid of the general district rate or improvement rate, as the case may be, levied within the district, which shall have been or might have been charged with a separate rate under this Act.

4. *As to appointment of burial boards without consent of Secretary of State.*] Where any parish or place has been divided into two or more parts or districts for all or any ecclesiastical purposes, and any one of such parts has a separate burial ground, it shall not be lawful for the vestry or meeting in the nature of a vestry for such entire parish or place to appoint a burial board without the approval of one of her Majesty's Principal Secretaries of State.

CAP. LXV.

An Act to authorise the Commissioners of the Treasury to further regulate the Postage on re-directed Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual service.

[6th August, 1860.

WHEREAS an Act was passed in the session of Parliament holden in the third and fourth years of the reign of her Majesty, chapter ninety-six, for the regulation of the duties of postage, and by the fourteenth section of the said Act, after reciting that letters and packets sent by the post were chargeable by law on being re-directed and again forwarded by the post with a new and distinct rate of postage, it was enacted, that on every post letter re-directed (whether posted with any stamp thereon or not) there should be charged for the postage of such letter from the place at which the same should be re-directed to the place of ultimate delivery (in addition to all other rates of postage payable thereon) such a rate of postage only as the same would be liable to if pre-paid; and by the fifty-third section of the said Act certain privileges were given and granted both to send and receive letters, at a reduced rate of postage, to seamen employed in her Majesty's navy, whether at home or abroad, and to sergeants, corporals, drummers, trumpeters, fifers, and private soldiers in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whether at home or abroad, whilst respectively actually employed in her Majesty's service, and to sergeants, corporals, drummers, trumpeters, fifers, and private soldiers in the service of the East India Company, whilst actually employed in the service of the company; but the letters of commissioned officers or warrant officers, whether in the army or navy or midshipmen, or masters' mates of the navy were not included in that provision; and it was declared that with respect to letters sent by any such privileged persons, and with respect to letters received by the post by any of the said privileged persons, certain conditions therein respectively mentioned and prescribed, should be observed; and also that any letters received by the post under that enactment by any such privileged persons which might have been re-directed should not be charged any postage on or in respect of such re-direction; and whereas another Act was passed in the session of Parliament holden in the tenth and eleventh years of the reign of her Majesty, chapter eighty-five, for giving further facilities for the transmission of letters by post

and for the regulating the duties of postage thereon, and for other purposes relating to the post office, and by the seventh section of the said last-mentioned Act it was provided that the privilege given to seamen and soldiers by the said before-recited Act should be enjoyed by such seamen and soldiers, whether any such letters should be liable to any foreign postage or not, but subject to the payment of the foreign postage if any should be chargeable thereon: and whereas the like privileges were afterwards given and granted to seamen employed abroad in the service of the East India Company, whilst actually employed in the service of the company, by Treasury warrant duly made and bearing date the twenty-eighth day of November, one thousand eight hundred and forty-four: and whereas another Act was passed in the session of Parliament holden in the twenty-first and twenty-second years of the reign of her Majesty, chapter one hundred and six, for the better government of India, and by the fifty-sixth section of the said last-mentioned Act it was provided that the military and naval forces of the East India Company should be deemed to be the Indian military and naval forces of her Majesty: and whereas it is expedient to make further provision for enabling commissioned and warrant officers, seamen, and soldiers to receive their re-directed letters free of the re-directed rates of postage whilst actually employed in her Majesty's service: be it therefore enacted, &c., as follows:—

1. *Power to Treasury, by warrant, to authorise private letters of commissioned and non-commissioned officers, &c. to be delivered free of the foreign postage chargeable in respect of re-direction; or to reduce rates of British or colonial postage.*] The Commissioners of her Majesty's Treasury may from time to time, by warrant under their hands, authorise all letters received by the post on their own private concerns by commissioned officers and warrant officers whether in the army or the navy, and midshipmen and masters' mates in the navy, whether at home or abroad, and by commissioned and warrant officers, midshipmen, and masters' mates in her Majesty's Indian military and naval forces, and by seamen employed in her Majesty's navy, whether at home or abroad, and by sergeants, corporals, drummers, trumpeters, fifers, and private soldiers in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whether at home or abroad, and by sergeants, corporals, drummers, trumpeters, fifers, private soldiers, and seamen in her Majesty's Indian military and naval forces, whilst respectively actually employed in her Majesty's service, to be delivered to all such persons respectively free of foreign postage chargeable on or in respect of re-direction on such letters when such letters shall have been re-directed and again forwarded by the post and transmitted or sent through any foreign country, (the several conditions imposed by the said fifty-third section of the before-recited Act of the third and fourth Victoria, chapter ninety-six with respect to letters received by the post by the privileged persons therein mentioned being duly observed with respect to letters to be received by the post by such seamen, sergeants, corporals, drummers, trumpeters, fifers, and private soldiers respectively as aforesaid,) and may also from time to time, by warrant under their hands, reduce or remit the rates of postage, British or colonial, which may be chargeable by law on or in respect of re-direction on all letters received by the post on their own private concerns by commissioned officers and warrant officers whether in the army or navy, and midshipmen and masters' mates in the navy, whether at home or abroad, and by commissioned officers and warrant officers, midshipmen and masters' mates in her Majesty's Indian military and naval forces, whilst respectively actually employed in her Majesty's service, which shall have been re-directed and again forwarded by the post.

2. *London Gazette to be evidence of due issuing of such warrant.*] Any printed copy of the London Gazette in which any warrant or order issued or made under or by virtue of this Act, or purporting so to be, shall be published shall be admitted as evidence by all courts, judges, justices, and others of such warrant or order, and of the due making and issuing thereof, and of the contents of any such warrant, without any further or other proof of such warrant.

3. *Act to be deemed a Post-office Act.*] This Act shall be deemed and considered a Post-office Act, and the several terms and expressions used therein shall be construed according to the respective interpretations contained or referred to in the said Act of the third and fourth years of the reign of her Majesty, chapter ninety-six.

4. *Commencement of Act.*] This Act shall come into operation on the first day of October one thousand eight hundred and sixty.

CAP. LXVI.

An Act to amend the Medical Act (1858).

[6th August, 1860.]

WHEREAS by "The Medical Act, 1858," it is provided that it shall be lawful for her Majesty to grant to the corporation of the Royal College of Physicians of London a new charter, and thereby to give to such corporation the name of "The Royal College of Physicians of England," and to grant to the corporation of the Royal College of Physicians of Edinburgh a new charter, and thereby to give to the said college of physicians the name of "The Royal College of Physicians of Scotland," and to grant to the corporation of the king and queen's college of physicians in Ireland a new charter, and thereby to give to such corporation the name of "The Royal College of Physicians of Ireland," but provision is not made by the said Act for reserving to the said colleges, and the presidents and censors, fellows, members, licentiates, and extra licentiates thereof respectively, by their said new names, the powers, privileges, liberties, and immunities to which they are respectively entitled by their existing names, and doubts have arisen whether, in case of the acceptance by these colleges respectively of new charters, under such altered names respectively, the said powers, privileges, liberties, and immunities would legally attach and be preserved to them, and it is expedient that such doubts should be removed: and whereas by an Act passed in the fourteenth and fifteenth years of the reign of King Henry the Eighth, intitled the privileges and authorities of physicians in London, certain letters patent, dated the twenty-third day of September, in the tenth year of the reign of his said Majesty, whereby certain physicians in London therein named were incorporated by the name of "The President and College or Commonalty of the Faculty of Physic in London," were ratified and confirmed; and by the said Act it was enacted, that the six persons named in the said letters patent, and two or four of the said commonalty to be chosen by them should be called elects, and that the said elects should yearly choose one of them to be president of the said commonalty, and that as oft as many of the places of the said elects should become void the survivors should choose and admit one or more, as need should require, of the said faculty to supply the number of eight persons, and that no person should from thenceforth be suffered to practise in physic through England until he be examined by the said president and three of the said elects, and have from them letters testimonial, except he be a graduate of Oxford or Cambridge: and whereas the main function of the said elects, viz., that of examining and granting letters testimonial, has been virtually superseded by the said medical Act, and they have ceased to grant letters testimonial in accordance with the provisions contained in the last-recited Act; and it is therefore expedient that the before-recited provisions should be repealed: be it enacted, &c., as follows:

1. *Interpretation of terms.* The expression in the Medical Act and this Act "The Corporation of the Royal College of Physicians of London," or "The Royal College of Physicians of London," shall be taken to denote the corporation of "The President and College or Commonalty of the Faculty of Physic in London."

2. *New charters may be granted to the colleges.* Any new charter which, under the provisions of the Medical Act, shall be granted to the corporation of the Royal College of Physicians of London, may be granted to them either by and in the name of the Royal College of Physicians of London, or, as provided by that Act, by and in the name of the Royal College of Physicians of England; and any such new charter granted to the corporation of the Royal College of Physicians of Edinburgh may be granted to that college either by and in its present name, or, as provided by the Medical Act, by and in the name of the Royal College of Physicians of Scotland; and any such new charter granted to the corporation of the King and Queen's College of Physicians in Ireland may be granted to that college either by and in its present name, or, as provided by the Medical Act, by and in the name of the Royal College of Physicians of Ireland.

3. *Colleges to retain all existing rights, notwithstanding change of name.* The granting of new charters to the said corporations respectively by and in the altered names and styles, respectively, as provided in the Medical Act, shall not, in respect of such alteration of name or style merely, alter or affect in any way the rights, powers, authorities, qualifications, liberties, exemptions, immunities, duties, and obligations granted, conferred, or imposed to or upon, or continued and preserved to the said corporations respectively, and the respective presidents,

censors, fellows, members, and licentiates thereof, by the respective charters and Acts of Parliament relating to the said corporations respectively, or by the Medical Act, the Act to amend the Medical Act, the Medical Acts Amendment Act, 1860, and this Act respectively; but the said corporations respectively, and the respective presidents, censors, fellows, members, and licentiates thereof, shall, notwithstanding any such change of name and style, have and retain all such and the same rights, powers, authorities, qualifications, liberties, exemptions, and immunities, and be subject to all such and the same duties and obligations as if such new charters respectively had been granted to them by and in their respective names and styles as then existing.

4. *Colleges to hold property notwithstanding change of name.* Each of the said corporations shall also, notwithstanding any such alteration of name or style, have, hold, and enjoy, and continue to have, hold, and enjoy, all lands and other real and personal, heritable and moveable property, belonging to such corporation, either beneficially or in trust, at the date of the granting of such new charter, and may execute and perform any act or trust for the time being vested or reposed in such corporation.

5. *Provisions in 14 & 15 Hen. 8, c. 5, as to the elects repealed.* So much of the Act of the fourteenth and fifteenth Henry the Eighth, chapter five, as relates to the elects of the said Royal College of Physicians of London, and their powers and functions, shall be and the same is hereby repealed; but this repeal shall not prejudice or affect the rights and privileges of any persons to whom the said president and elects may have granted letters testimonial; and all trusts which by any deed, gift, devise, or bequest are vested in, or to be executed or performed by the elects, or some defined number of them, shall vest in and accrue to, and be executed and performed by the censors of the said college for the time being as if the name of the censors had in such instruments respectively been used instead of that of the elects, and the office and name of elects of the said college shall henceforth wholly cease and determine.

6. *Election of the president of the Royal College of Physicians of London.* The office of president of "the Royal College of Physicians of London" shall be an annual office; and Thomas Mayo, doctor of physic, the now president of the said corporation, shall remain such president until the day next after Palm Sunday in the year one thousand eight hundred and sixty-one, when he shall go out of office; and the fellows of the said corporation shall, at a meeting to be holden by them for that purpose, on the same day, and on the same day in every subsequent year, elect some one of the fellows of the said corporation in such manner as shall be provided by any bylaw or bylaws made in that behalf by the said corporation, and for the time being in force, to be president of the said corporation, but the retiring president shall always be capable of being re-elected, and every president shall remain in office until the actual election of a new president; or in case of the death, resignation, or other avoidance of any such president before the expiration of his year of office, the said fellows shall, at a meeting to be holden by them for that purpose, as soon as conveniently may be (of which due notice shall be given) elect one other of the fellows of the said corporation in such manner as aforesaid, to be president for the remainder of the year in which such death, resignation, or other avoidance shall happen, and until such election the duties of president shall be performed by the senior censor for the time being.

CAP. LXVII.

An Act to continue an Act for authorising the Application of Highway Rates to Turnpike Roads.

[6th August, 1860.]

CAP. LXVIII.

An Act for the better Management and Control of the Highways in South Wales.

[6th August, 1860.]

WHEREAS an Act was passed in the session holden in the fourteenth and fifteenth years of her Majesty, chapter sixteen, for the better management and control of the highways in South Wales; and whereas in pursuance of the said Act the six counties of South Wales have been divided by the county roads boards of their respective counties into districts for the better repair and maintenance of the highways: and whereas it is expedient that the said Act should be repealed and other provisions be made in lieu thereof: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice

and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Repealed Act repealed, but repeal not to affect districts or appointments.*] The said Act shall be and is hereby repealed: provided that nothing in this Act, except as herein-after provided, shall in any way affect or alter the aforesaid highway districts, or the appointments of any officers, but such districts shall remain for the purpose of this Act, and such officers shall respectively hold office on the like tenure as if appointed under this Act.

2. *Districts may be altered from time to time.*] Provided also, that it shall be lawful for the said county roads boards of the several counties of South Wales respectively from time to time if they shall see occasion to alter the limits of any such district in their respective county either by consolidating the whole or any part of it with any other district, or by dividing it into one or more districts; and the order by which such alteration is made shall within one month after the making thereof be published, together with a description or statement of the boundaries of such districts, or of the parishes comprised therein respectively, by advertisement in one or more of the newspapers circulating in the county in which the order is made, and notice thereof shall be given to the clerks of such districts as are affected thereby.

3. *Power to county roads board to appoint and dismiss surveyors.*] Every county roads board acting in and for each of the said counties respectively shall, by writing, upon which no stamp or other duty shall be payable, appoint one surveyor for each district declared as aforesaid, to overlook the management and repairs of the several highway districts in their county, and shall also determine the salaries to be paid to such surveyors respectively; and the board may from time to time remove the said surveyors, and so often as the said offices or any of them shall become vacant shall appoint other fit and proper persons for the same; and the salaries of such surveyors shall be paid out of the highway rate, and shall be, by an order made by the county roads board, apportioned amongst and charged upon the parishes within each respective district, in the same manner and in the same proportions as the county rate shall be chargeable at the time the order is made: provided, nevertheless, that such district surveyor shall not expend moneys levied in any one of the parishes within his district, except for the use and benefit of the parish in which it is so levied, unless with the consent of the inhabitants of such parish in vestry assembled, for the purpose of carrying on repairs or beneficial improvements for the common benefit of the parishes aforesaid, and shall keep separate and distinct accounts for each parish within his district, and such accounts shall specify the different sums and the persons to whom and by whom the same shall have been paid.

4. *Transfer of property and powers vested in existing surveyors of highways to highway boards.*] All land and property vested, or which, if this Act had not been passed, would have been vested, in any surveyor of highways of any parish elected or appointed under the Act of the fifth and sixth years of King William the Fourth, chapter fifty, and all the powers of letting or otherwise disposing of any such land or property vested in, or which, if this Act had not been passed, would have been vested in or exercisable by such surveyor, and all rents, or other income of land or property which such surveyor is, or, if this Act had not been passed, would have been entitled to receive, shall, upon and after the coming under this Act of the powers of such surveyor, be vested in and exercisable and received by the highway board of the district in which such parish is comprised; and all tools, materials, implements, matters, and things purchased or provided, or thereafter to be purchased or provided, for the use or repair of the highways of any parish or district, and the sweepings of such highways, and all books, papers, writings, and accounts relating to such highways, shall be vested in the highway board of the district in which the same are situate, and all land, chattels, and property whatsoever hereby transferred to any highway board shall be vested in such board for the benefit of the parish to which the same belongs, or to the repairs of the highways of which the same, or the rents, income, and proceeds thereof, would have been applicable, and credit shall be given to such parish for such rent, income, and proceeds accordingly, and in the case of any such chattels, belonging to or provided for any parish which may be made available for the common use or benefit of the several parishes within the district of such highway board, such highway

board shall give such parish credit for what they may consider the value thereof, as for so much money received in respect of such parish.

5. *Duties of district surveyor.*] The surveyor of highways of each district shall, subject to the control of the highway board for such district, maintain and keep in repair the highways which the several parishes in such district may be liable to repair, and for that purpose shall on behalf of the highway board make all necessary contracts for highway materials and for cartage and other works for the repair of the highways, and shall superintend the execution of all such works, and shall make all such payments as by the highway board may be ordered to be made by him, and keep true and particular accounts of all moneys received by him, and of the application thereof, and shall keep separate and detailed accounts of the expenditure in or on account of each parish, and shall at every ordinary meeting of the highway board produce his accounts for examination and allowance by the board, and report to such board such circumstances in relation to the state of the highways in the district and the other matters aforesaid as may require the order or direction of the board, and as to the progress or completion of all works which may have been ordered by the board, and shall submit to the board an estimate of the expense of any proposed work, and shall twice at the least in every year, or oftener if the board direct, report in writing the state and condition of all highways in the district.

6. *Powers and responsibilities of surveyor.*] The surveyor of highways of each district shall, except for the purpose of making, assessing, and levying rates, and producing and verifying his accounts at special sessions, and except as herein otherwise provided, have all duties, powers, and responsibilities, as regards the parishes in such district, of a surveyor elected under the said Act of the fifth and sixth years of King William the Fourth, chapter fifty; and all Acts and provisions not hereby repealed, applicable to such last-mentioned surveyor, shall, save as herein otherwise provided, apply in like manner to a surveyor of highways of a district appointed under this Act, and all penalties and forfeitures or parts thereof payable to such surveyor shall be paid by him to the treasurer of the highway board, to the credit of the parish in respect whereof the same are recovered: provided, nevertheless, that such surveyor shall in the exercise of such duties and powers act under the directions and control of the highway board, and shall be indemnified by such board out of the moneys coming to the hands of their treasurer in respect of all expenses and liabilities properly incurred by him.

7. *Highways to be continued under the care and management of existing local boards.*] The maintenance and repairs of the several highways situate and being within the several districts which have been or shall be hereafter formed, shall, subject to the authority of the said county roads board, be under the care and management of local boards, to be styled highway-boards, and which are and shall hereafter be constituted in manner following—that is to say, all persons who are now elected or who shall hereafter be elected guardians of the poor for the parish or parishes contained in such district during the period they are such guardians, and all her Majesty's justices residing within or acting at any petty sessions within or holden for the district, shall constitute the highway board for such district, and such justices shall not by reason of being members of such highway board be incapable of acting as justices of the peace in the execution of this Act, or in any matters relating to the highways under the care and management of said board; and every such board shall be a body corporate by the style of the highway board for the district of (inserting the name of the highway district), and by that name shall have perpetual succession and a common seal, and sue and be sued, and have power and authority (without licence in mortmain) to hold lands for the purposes of the highways.

8. *Highway boards to hold four ordinary meetings every year.—Special meetings may be holden.*] The highway board for every district shall in every year hold not less than four ordinary meetings, and the meetings of such board after their first meeting shall be holden at such convenient place or places, and at such times, as they shall at their first meeting and from time to time thereafter appoint; and one of such meetings shall be appointed for the purpose of auditing the annual accounts of the board as hereinafter provided; and any such board may also hold special meetings, every such special meeting to be called by the clerk to such board, by the direction of the chairman or vice-chairman, or upon the requisition of any three

members of such board; provided that no business, matter, or question shall be done, discussed, or entertained at any such special meeting other than the special business or matter for which it shall have been called, and which shall be specified in the notice convening such meeting.

9. *Adjournment of meetings.*] Any meeting of the highway board may be adjourned from time to time to any day and hour and to the same or any other place; and if there be not three members of the board present within one hour after the time appointed for holding any meeting then it shall be lawful for the members or member present, or, if no member be present, for the clerk to such board, to adjourn such meeting in manner aforesaid.

10. *Notice of special meetings and of meetings by adjournment.*] Notice in writing of every special meeting of any highway board, and of every meeting of any such board holden by adjournment (whether by adjournment from an ordinary or a special meeting), shall be given by the clerk to such board to every member thereof, and every such notice shall be given or sent by the post or otherwise by the clerk to every such member, or left at his place of abode, seven days, or, in the case of a meeting holden by adjournment, three days at least before the day appointed for the meeting to which it relates.

11. *Chairman and vice-chairman to be elected.*] The highway board for each district shall elect two members of such board to be the chairman and vice-chairman thereof for the space of one year, and such election shall take place at their first meeting, or at some adjournment thereof, in every year; and the chairman and vice-chairman of each highway board at the commencement of this Act shall continue in office until their successors shall be appointed at the first meeting of the board as aforesaid; and the chairman, or in case of his absence at the commencement of any meeting, the vice-chairman shall preside at all meetings of such board, and shall have a casting vote, in addition to his vote as a member; and in case at the commencement of any meeting both chairman and vice-chairman be absent, then such other member as may be chosen by the major part of the members present shall preside as chairman of such meeting; and whenever the chairman or vice-chairman shall die or become disqualified, refuse, or become incapable to act, such board shall at their ordinary meeting to be holden next after such death, disqualification, refusal, or incapacity, elect some other member of such board in his stead.

12. *Quorum.—Authentication of orders.*] All acts, orders, matters, and things by this Act authorised to be made or done by any highway board may be made or done by the major part of the members of any such board present at any meeting to be holden by virtue of this Act, the whole number present together at such meeting not being less than three; and all orders made by any such board shall be in writing, and signed by the chairman presiding at the meeting at which the same are made, and countersigned by the clerk, and sealed with the seal of the board.

13. *Defect of election, &c., of members not to vitiate proceedings.*] No defect in the qualification or election of any person acting as a member of a highway board at any meeting thereof, the majority of the persons assembled at which shall be entitled to act as members of such board, shall be deemed to vitiate or make void any proceedings of such board in which he may have taken part.

14. *Power to highway board to appoint clerks.*] Any highway board shall have power by writing, upon which no stamp or other duty shall be payable, to appoint a fit and competent person to be clerk to such board, and shall also determine the amount of salary to be paid to the clerk; and the clerk, in person, or by such deputy as shall be elected by such board, shall attend all meetings of such board, and shall conduct the correspondence thereof, and enter and keep, in books to be provided for the purpose, notes, minutes, or copies, as the case may require, of the meetings, acts, orders, resolutions, proceedings, and correspondence of such board, and shall keep all books, papers, and documents committed to his charge, and shall perform all such other duties as the board may direct.

15. *Appointment of treasurer.*] Any highway board shall, at their next general annual meeting after the passing of this Act, by writing, upon which no stamp or other duty shall be payable, appoint a fit and competent person to be treasurer of such board, and the said board shall have power to fix, and from time to time to alter as they see fit, the salary, if any, to be paid to such treasurer; and the highway board shall, before the aforesaid treasurer shall enter upon his office, take suffi-

cient security for the due performance by him of the duties of the office; and the treasurer of each highway board shall receive and hold to the account of such board all moneys paid to or for the use of such board, and shall make payments thereout under orders of such board, and shall once in every three months, or on such days as the board may direct, or oftener if required by the board, make up an account of all moneys received and paid by him, and deliver the same to the clerk of the board; and he shall keep separate and distinct accounts for each parish within his district, and such accounts shall specify the different sums, and the persons to whom and by whom the same shall have been paid.

16. *Salaries of clerk and treasurer, how to be paid.*] The salaries to be paid to the clerk and treasurer of each district shall, by an order to be made by the highway board of such district, be paid out of the moneys levied for the repair and maintenance of the highways, and shall be apportioned and charged upon the parishes within each respective district in the same manner and in the same proportion as the county rate shall be chargeable at the time such order is made.

17. *Power to dismiss clerk, &c.*] The highway board may at any time dismiss any clerk or treasurer so appointed, and as often as the said offices shall become vacant by such dismissal, or by death, resignation, or otherwise, the said highway board shall at their next regular meeting, or as soon after as conveniently may be, appoint some other fit and proper person to fill the same.

18. *Two offices not to be held by the same person.*] The offices of treasurer, clerk, and surveyor of any highway board, or any two of such offices, shall not be held by the same person, or by persons in partnership with each other, or by persons in the relation of employer and clerk, agent, or servant, one of the other, or of the partner of either of them; and if any person shall accept or hold either the office of treasurer, clerk, or surveyor contrary to this provision he shall forfeit and pay the sum of one hundred pounds to any person who shall sue for the same, to be recovered, with full costs of suit, in any court of competent jurisdiction.

19. *Highway boards to have the management of the highways.*] The highway board for each district shall, subject to the provisions and exceptions to this Act, have the management of the several highways lying within their district, and of the repairing and maintaining of the same, and shall direct the execution of any works which may from time to time be necessary for such purposes; but it shall not be lawful for any person, being a member of any highway board, to hold any place, office, or appointment of emolument, or to be a contractor directly or indirectly, or to be concerned or engaged in any contract for making or repairing, or in any way relating to the road or roads in the district for which such person shall act.

20. *Highway board may contract to repair highways within districts of local boards, &c.*] The highway board of any district may contract with all or any of the following bodies; (that is to say) any local board of health constituted under "The Public Health Act, 1848," any local board constituted under "The Local Government Act, 1858," any commissioners or other body acting under any local Act of Parliament, the county roads board, the court of quarter sessions of the county in which the district is situate, and the council of any borough for the repair and maintenance by such highway board of all or any of the highways or turnpike roads under the care of such local board of health, local board, county roads board, commissioners, or other body (as the case may be), or of the highways over and at the ends of bridges which are maintainable at the expense of the county or of any borough, or any other highways which are maintainable at the expense of the borough; and such highway board may contract as aforesaid, upon such terms as to the payments to be from time to time made to such board in respect of their undertaking such repairs and maintenance, and as to the duration and determination of the contract, as may be agreed upon between the parties; and any such local board of health, local board, commissioners, county roads board, or other body, court of quarter sessions, and council may contract as aforesaid with such highway board; and while any contract made under this provision is in force the highway board and their surveyor shall, in respect of the repairs and maintenance of the highways and roads to which such contract relates, have and perform the same powers and duties and be subject to the same responsibilities as with regard to highways within the district of such board, and the other contracting party shall be divested of all

powers, duties, and responsibilities in respect of such repairs and maintenance, and all money payable under such contract shall be paid out of the moneys which would have been applicable to defray the expenses of the repair and maintenance of such highways or turnpike roads if such contract had not been made.

21. *Expenses of highway board how to be defrayed.*] Every highway board, for defraying the repairs, expenses, and apportioned part of expenses chargeable as aforesaid on each parish within their district, shall from time to time, by order under their seal, require the overseers of such parish to levy and pay over to the treasurer of such board, or into any bank in such order mentioned, and within the time or times thereby limited, the sum which, after giving due credit to such parish for all penalties and other monies received in respect thereof, such board may require for the purpose aforesaid (and any such order may be made wholly or in part in respect of expenses incurred any time at within six months before the making of the order, or of expenses to be thereafter incurred); and where any parish within the meaning of this Act is part only of any parish for which overseers are appointed, the highway board shall specify in their order the part of such last-mentioned parish on which any sum required by such board is to be levied.

22. *Overseers to levy rates for raising the money required by highway board.*] The overseers of the poor of the parishes to whom such orders as aforesaid are issued, shall levy the amounts mentioned therein according to the exigency thereof, and shall for that purpose make separate equal pound rates upon their parishes, or the parts thereof respectively upon which the sums specified in such orders are required to be levied, in respect of the sums thereby ordered to be levied, and shall make such rates of such amount in the pound on the annual value of the property rateable as will in their judgment, having regard to all circumstances, be sufficient to raise the sums specified in such orders; and such rates shall be levied on the persons and in respect of the property by law rateable to the relief of the poor in the respective parishes, and shall be assessed upon the net annual value of such property, ascertained by the rate for the time being for the relief of the poor, provided that the rate shall also extend to such woods, mines, and quarries of stone, or other hereditaments, as were before the said Act of the fifth and sixth years of King William the Fourth usually rated to the highways; and the said overseers shall, for the purpose of levying such rates, proceed in the same manner, and have the same powers, remedies, and privileges as for levying money for the relief of the poor, and all such rates shall be allowed in the same manner, and be subject to all the same provisions in relation to appeal and to excusing persons from payment on account of poverty, and otherwise, as the rate for the relief of the poor in the same parish; and such overseers shall pay to the treasurer of the highway board, or otherwise as in such orders directed, the sums mentioned in the orders within the time or respective times specified for that purpose, and the excess, if any, which may have been levied beyond such sums shall be placed to the credit of the parish or part in which the same has been levied; and the said overseers shall, at the time of making any such payment, deliver with the money a note in writing signed by them specifying the amount so paid, which note shall be kept as a voucher for the receipt of that particular amount; and the receipt of the treasurer of the board, or of any proper officer or person of or belonging to any bank into which such money is so paid, specifying the amount paid to him by the overseers, shall be a sufficient discharge to the overseers for such amount.

23. *Power to highway board to direct paid collectors of poor rate to collect highway rate.*] In every parish in which a paid collector of poor rates shall have been or may hereafter be duly and legally appointed, every such collector shall, if the highway board so direct and authorise him, collect the highway rate for every such parish, and the highway board shall determine the salary or additional salary to be paid to every such collector, and every such collector shall have all the same powers, remedies, and privileges for the levying and enforcing the payment of such rates as the overseers of the poor have under this Act; and it shall be lawful for every highway board, and they are hereby required, to take security from every collector authorised to collect the highway rate under this Act, which security shall be to the full amount of the sum likely to be in the hands of the said collector at any one time.

24. *Restriction in amount of rates.*] Provided always, That the rate or rates to be levied for defraying any expenses under

this Act shall not exceed in any one year the amount in the pound of the rateable value of the property rateable thereto under this Act now by law limited in respect of the highway rate.

25. *Overseers on nonpayment of the rate shall be distrained upon.*] In case the amount ordered by any such order as aforesaid to be paid by the overseers of any parish be not paid in manner directed by such order and within the time or times therein specified for that purpose, it shall be lawful for any two justices of the peace, upon the complaint by the board or by any person authorised by them for this purpose, to issue their warrant for levying the amount, or so much thereof as may be in arrear, by distress and sale of the goods of all or any of the said overseers, and in case the goods of all the overseers be not sufficient to pay the same the arrears thereof shall be added to the amount of the next levy which shall be directed to be made in such parish for the purposes of this Act, and shall be collected by the like methods.

26. *Special persons may be appointed to levy rates on default of overseers.*] Any highway board may, in case of any default or neglect of any overseers to pay the amount required by any such order as aforesaid, within the time or times and in the manner directed by such order, appoint persons to levy any money required by such board for the purposes of this Act in any parish, and such persons shall proceed in the same manner, and have the same powers, remedies, and privileges, and be subject to the same regulations and penalties with reference to the levying of such money, as any overseers would have had or been subject to with reference to levying any such money in pursuance of an order of the highway board.

27. *Accounts to be made up to 25th March, and statement to be published.*] The accounts of every highway board shall be made up and balanced on the twenty-fifth day of March in every year, and shall be audited by such board, and signed by the chairman; and such board shall cause a statement to be printed and published in one or more newspapers circulated in their county within thirty days after the said twenty-fifth day of March, showing the receipt and expenditure in respect of each parish, and the apportioned part of expenditure chargeable thereto in respect of the district fund, and such other particulars, and in such form, as the Secretary of State may direct, as herein-after mentioned.

28. *Statement to be sent to Secretary of State.—Penalty for neglect.*] The clerk to every highway board shall, within such thirty days, transmit such statement to one of her Majesty's Principal Secretaries of State; and any such clerk who shall not within the time aforesaid transmit the said statement to the said Secretary of State shall for every such offence, upon a summary conviction for the same before two justices of the peace, be liable to a penalty of ten pounds.

29. *Abstract of statements to be laid before Parliament.*] The Secretary of State shall cause the statements so transmitted to be abstracted and the abstracts thereof to be laid before both Houses of Parliament, with the other statements in relation to highways required to be abstracted and laid before Parliament by the Act of the session holden in the twelfth and thirteenth years of her Majesty, chapter thirty-five.

30. *Secretary of State may cause forms of statement to be prepared, and alter forms prescribed by 12 & 13 Vict. c. 33.*] It shall be lawful for one of her Majesty's Principal Secretaries of State to cause to be prepared such forms for such statement as he may from time to time deem suitable, and also from time to time to alter the forms for the annual statement prescribed by the said Act of the twelfth and thirteenth years of her Majesty, but no statement shall be transmitted under that Act concerning parishes wholly within a highway district under this Act.

31. *Councils of boroughs having commissions of the peace may by resolution assume the powers of highway boards.*] The council of every borough having a separate commission of the peace may, by a resolution of such council at a meeting held for the purpose, in any year after the expiration of the time limited by law for the election of surveyors of highways for that year, or forty days at the least before the commencement of the time limited for such election, assume the powers of a highway board under this Act; but no such resolution shall be valid unless a month's previous notice of the meeting, and of the purpose thereof has been given in the manner in which notice of meetings of the council are by law required to be given, and two thirds of the members present at the meeting concur in

such resolution; and the chairman of any such meeting may, with the consent of a majority of the members present, adjourn the same from day to day; and notice of such resolution shall be certified under the seal of the corporation of such borough to the clerk of the peace of the county, or (if such borough be situate in more than one county) of each county in which the borough is wholly or in part situate.

32. *Where resolution passed, council to have powers of highway board.*—5 & 6 W. 4, c. 76.] Any such council which may have assumed the powers of a highway board, by resolution passed and certified as aforesaid, shall, with respect to parishes and parts of parishes within such borough, have and be subject to the powers and obligations vested in or imposed on a highway board constituted under this Act with respect to parishes forming the district of such board, save that such powers shall not extend to authorise the appointment of a separate clerk or treasurer for the purposes of this Act; and the provisions of this Act applicable in the case of highway districts formed thereunder, to the highway board thereof, and their clerk, treasurer, and surveyor, shall, in the case of such borough, be respectively applicable to the council and to the town clerk and treasurer thereof, and to the surveyor of highways to be appointed by such council, as if such borough were a highway district constituted under this Act, and such council were the highway board thereof; and all Acts to be done by such council by virtue of the powers conferred by this Act shall be done in like manner as if done by virtue of the said Act "for the regulation of municipal corporations in England and Wales;" and any such council may, if they think fit, appoint a committee for the purposes of this Act, in like manner as for any of the purposes of such last-mentioned Act, the Acts of such committee to be submitted as therein provided to the council, for their approval; provided nevertheless that the expenses incurred in the execution of this Act by the council of any borough or any committee of such council shall be defrayed in manner provided with respect to expenses of highway boards: provided always that the powers of the council of a borough under this enactment shall not extend, nor shall its district as a highway board be deemed to include any parish or district under any board mentioned in the first section of this Act.

33. *No parochial surveyor to be appointed after the passing of this Act.* From and after the passing of this Act no parochial surveyor shall be elected or appointed in South Wales under the said Act of the fifth and sixth years of King William the Fourth, chapter fifty, for any parish comprised in such district: provided always, that any surveyor whose powers are so to cease as aforesaid shall recover any highway rate made by him before the cesser of his powers, and remaining unpaid, in the same manner as if his power in other respects had not ceased, and the money so recovered shall be paid by him to the treasurer of the highway board of the district in which such parish is comprised under this Act; and in case such surveyor die or become incapable to act before all arrears of any such rate are recovered, the same may be recovered by the overseers of the poor, who shall have the like power for that purpose as such surveyor would have had, and shall pay the same to such treasurer as aforesaid.

34. *Accounts of existing surveyors to be passed according to present law, and money and effects to be paid and delivered to their successors appointed under this Act.* The accounts of every such surveyor whose powers shall so determine shall be passed within the like periods respectively after such determination, and in like manner, and under and subject to the like provisions in all respects, as if this Act had not been passed, save that it shall not be necessary that such accounts be passed at a special sessions for the highways, but the same may be passed at a petty sessions; and the provisions of the said Act of the fifth and sixth years of King William the Fourth, chapter fifty, concerning payment and delivery by a surveyor leaving office, and by the executors and administrators of a deceased surveyor, of money due from him, and books, accounts, papers, writings, tools, materials, implements, and other things, to his successor in office, and all the provisions of such Act applicable in default of such payment and delivery, according to the provisions of the said Act, shall be and remain applicable in relation to all moneys, books, accounts, papers, writings, tools, materials, implements, and other things which if this Act had not been passed ought to have been paid and delivered to the successor, under the said Act of King William the Fourth, of such surveyor as if the highway board of the district in which the parish or parishes is or are comprised for which such surveyor was appointed were the successor in office of such surveyor,

and had been appointed under the said Act of King William the Fourth.

35. *Surveyor of highway board exempted from turnpike tolls.* No toll shall be demanded by virtue of any Act of Parliament on any turnpike road in any highway district constituted under this Act from the surveyor of the highway board of such district when executing or proceeding to execute his duties as such surveyor, and all provisions applicable to the exemptions in the Act of the third year of King George the Fourth, chapter one hundred and twenty-six, shall apply to and in the case of the exemptions conferred by this enactment.

36. *Power to highway board to order their surveyor to repair certain roads, and charge the parties liable for the same.* Where any highway which any body politic or corporate or person is liable to repair by reason of tenure of any land, or otherwise, howsoever, is out of repair, the highway board of the district in which such highway is situate may, if they see fit, direct their surveyor to repair the same, and the expenses to be incurred in such repair shall be paid by the party liable to repair as aforesaid; and it shall be lawful for any justice, upon the application of any person authorised in this behalf by the highway board, to summon the party liable to pay such expenses to appear before two justices at a time and place to be named in such summons, and upon the appearance of the parties, or in the absence of either of them, it shall be lawful for such justices to hear and determine the matter, and make such order, as well as to costs or otherwise, as to them may seem just.

37. *Power to justices to order certain highways to be made highways to be repaired, &c. by the parishes.* Where any person or corporation is liable, by reason of tenure of lands or otherwise, to repair any highway situate in a highway district, the person or corporation so liable, or the surveyor of highways of the district, may apply to any justice of the peace for the purpose of making such highway a highway to be repaired and maintained by the parish in which the same is situate; and such justice shall thereupon issue his summons requiring such surveyor or the party so liable to repair such highway as aforesaid, to appear before two or more justices in petty sessions assembled, and the justices at such petty sessions shall proceed to examine and determine the matter, and shall, if they think fit, make an order under their hands that such highway shall thereafter be a highway to be thereafter repaired and maintained by the parish, and shall in such order fix the proportion of the expenses of repairing and maintaining such highway to be annually paid by such person or corporation to the treasurer of the highway board of the district in which such highway is situate, and such order shall be binding upon all persons and parties whatsoever: provided nevertheless, that such justices, instead of fixing the proportion of the expenses of repairing such highway to be annually paid as aforesaid, may, by an order under their hands, fix a certain sum to be paid by such person or corporation to the treasurer of such board, in full discharge of all claims thereafter in respect of the repair and maintenance of such highway; and in default of payment of such last-mentioned sum, or of such annual sum as aforesaid, the clerk of such board may proceed for the recovery thereof in the same manner as any penalties or forfeitures are recoverable under the said Act of the fifth and sixth years of King William the Fourth, chapter fifty: provided always, that when the sum so fixed to be paid in full discharge of all claims thereafter in respect of the repair and maintenance of such highway exceeds one hundred pounds, the same, when received, shall be invested in the name of the highway board of the district in some public government securities, and the interest and dividends arising therefrom shall be applied by such board towards the repair and maintenance of the highways within the parish in which such highway is situate; but when such sum does not exceed one hundred pounds, the same, or any part thereof, at the discretion of such highway board, shall from time to time be applied by such board towards the repair and maintenance of the highways within such parish; and from and after the making of such order such highway shall be repaired in like manner and at the like expense as other highways which such parish is liable to repair.

38. *Provisions for discontinuance of maintenance of unnecessary highways.* When any highway board consider any highway within their district unnecessary for public use, they may direct their surveyor to apply to two justices to view the same, and shall authorise him to pay all expenses attending such view (which expenses and other the expenses of the surveyor consequent upon such application shall be expenses chargeable under this Act on the parish in which the highway

in question is situate), and thereupon the like proceedings shall be had as in the case where application is made under the said Act of the fifth and sixth years of King William the Fourth, chapter fifty, to procure the stopping up of any highway, save only that the order to be made thereupon, instead of directing the highway to be stopped up, shall direct that the same shall cease to be a highway which the parish is liable to repair, and the liability of the parish shall cease accordingly; and for the purpose of such proceedings under this enactment, such variation shall be made in any notice, certificate, or other matter preliminary to the making of such order as the nature of the case may require: provided always, that if at any time thereafter, upon application of any person interested in the maintenance of such highway, after one month's previous notice in writing thereof to the clerk of the highway board for the district in which such highway is situated, it appear to any court of general or quarter sessions of the peace that from any change of circumstances since the time of the making of any such order as aforesaid under which the liability of the parish to repair such highway has ceased, the same has become of public use, and ought to be kept in repair by the parish, they may direct that the liability of the parish to repair the same shall revive from and after such day as they may name in their order, and such liability shall revive accordingly, as if the first-mentioned order had not been made; and the said court may by their order direct the expenses of and incident to such application to be paid as they may see fit.

39. *Regulations as to the adoption of new roads to be maintained as public roads under this Act.*] And with respect to the adoption of new roads to be maintained as public roads under this Act, be it enacted, that no road or occupation way made or hereafter to be made by or at the expense of any individual or private person, body politic or corporate, shall be deemed or taken to be a public road, to be repaired and maintained according to the provisions of this Act, unless the person, body politic or corporate, proposing to dedicate such road to the use of the public, shall give three calendar months previous notice in writing to the district surveyor of the district of his intention to dedicate such road to the use of the public, describing its situation and extent; and the said district surveyor, upon receiving such notice, shall view the same, and shall report to the highways board of the district whether such road is well and properly laid out and made, and whether the same is of sufficient public utility to justify its being kept in repair and maintained as one of the highways of such district; and if the said board shall be satisfied, upon such report or otherwise, that the said road ought to be so kept in repair and maintained, they shall certify in writing accordingly; and such certificate, signed by the chairman of the highway board for the time being, shall be transmitted by him to the county roads board of such county; and thereupon, after the said road shall have been used by the public, and duly repaired and kept in repair by the said person, body politic or corporate, for the space of twelve calendar months, the same shall thenceforth become one of the highways of such county, and shall thereafter be repaired and maintained according to the provisions of this Act.

40. *Proceedings in case highways are not kept in repair.—Power to justices to order highways to be repaired at the expense of the parties liable.—If money not paid the same to be levied by distress.*] From and after the passing of this Act, if any highway is out of repair, or is not well and sufficiently repaired and mended, an information thereof on the oath of one credible witness is given to any justice of the peace, it shall and may be lawful for such justice and he is hereby authorised and required to issue a summons requiring the surveyor of the district in which such highway is situated, or other person or body politic or corporate chargeable with such repairs, to appear before the justices at some petty sessions in the said summons mentioned to be held within the division in which the said highway may be situate, and the said justices shall either appoint some competent person to view the same, and report thereon to the justices in petty sessions assembled on a certain day and place then and there to be fixed, at which the said district surveyor or other party as aforesaid shall be directed to attend, or the said justices shall fix a day whereon they or any two of them shall attend to view the said highway; and if to the justices at such petty sessions, on the day and at the place so fixed as aforesaid, it shall appear, either on the report of the person so appointed by them to view, or on the view of the said justices, that the said highway is not in a state of thorough and effectual repair, they the said justices at

such last-mentioned petty sessions shall make an order requiring the said district surveyor to repair the said highway within a time limited therein, and shall make an order requiring the overseers of the poor, or other party or body politic or corporate liable to the repair of the said highway, to pay to the treasurer, at such time or times as they shall direct, either in one sum or by instalments, a sum of money to be therein stated, which shall be equal in amount to the sum which the said justices shall on the evidence produced before them judge requisite for the repairing such highway; and in default of such money being paid within the time so limited, it shall be lawful for any two justices of the peace to issue their warrant for levying the amount of money, or so much thereof as may not be paid within the time limited, by distress and sale of the goods of the said overseers of the poor, and such money, when recovered, shall be applied to the repair of such highway; and in case more parties than one are bound to repair any such highway, the said justices shall direct in their order what proportion shall be paid by each of the said parties; provided nevertheless, that the said justices shall not have power to make such orders as aforesaid in any case where the duty or obligation of repairing the said highway comes in question.

41. *Width of roads to be maintained when they cease to be turnpike-roads.*] All roads hereafter ceasing to be turnpike roads shall on their so ceasing be repaired and maintained by the surveyor or board, or other body liable to maintain the same, to the same width as they are or were required to be while turnpike roads; and all roads heretofore turnpike roads, which have already ceased to be so, shall be repaired and maintained by such surveyor, board or other body, to the present width of such roads, and after the passing of this Act, as regards any road which has ceased or which may cease to be a turnpike road, the erection or making of any building, hedge, ditch, or other fence, or the doing of any other act which would have been deemed an encroachment on any such road if the same had continued to be a turnpike road, shall be deemed an encroachment on a highway, within section sixty-nine of the said Act of the fifth and sixth years of King William the Fourth, although the same may be beyond the distance from the centre of the carriageway mentioned in the said section.

42. *Acts required to be done at special sessions for highways may be done at petty sessions.*] It shall not be requisite for the justices of the peace to hold special sessions for executing the purposes of the said Act of the fifth and sixth of King William the Fourth, chapter fifty; but all acts and matters which might have been done at such special sessions under the said Act or this Act, or under any other Act of Parliament, may be done by two or more justices at any petty sessions.

43. *Provisions of 5 & 6 Will. 4, c. 50, to remain in force, except as otherwise provided.*] Except as herein otherwise provided, all the provisions of the said Act of the fifth and sixth years of King William the Fourth, chapter fifty, shall remain in force and be applicable as well to the highways to be managed under this Act as to the highways which may continue to be managed under that Act, and the said Act and this Act shall be construed together as one Act.

44. *Act to extend only to South Wales.*] This Act shall extend only to South Wales, and in the construction of this Act, "South Wales" shall include and comprise the six counties following, and no others, viz, the counties of Glamorgan, Brecknock, Radnor, Carmarthen, Pembroke, and Cardigan.

45. *Interpretation of terms.*] In the construction of this Act, unless there be something in the subject or context repugnant to such construction, the word "parish" shall mean any parish, place, or district maintaining its own highways, or which, if this Act and the said Act of the fourteenth and fifteenth years of her Majesty had not been passed, would have maintained its own highways, and where part only of any such parish, place, or district is comprised in a highway district constituted under this Act shall mean such part; the word "borough" shall mean a borough according to the meaning of the Act of the session holden in the fifth and sixth years of King William the Fourth, "for the regulation of municipal corporations in England and Wales," or any corporate place which since the passing of that Act has become subject to the provisions thereof; and the word "county" shall mean any county, riding, division, or liberty having a separate court of quarter sessions of the peace.

CAP. LXIX.

An Act to enable the Ecclesiastical Commissioners for England to apply certain Funds towards the Repairs of the Cathedral or Collegiate Church of Manchester.
[6th August, 1860.]

CAP. LXX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.
[6th August, 1860.]

CAP. LXXI.

An Act to make Provision as to Stock and Dividends unclaimed in Ireland.
[6th August, 1860.]

CAP. LXXII.

An Act to promote and facilitate the Endowment and Augmentation of small Benefices in Ireland.
[6th August, 1860.]

CAP. LXXIII.

An Act to continue certain Turnpike Acts in Great Britain, and to extend the Provisions of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Thirty-eight.
[6th August, 1860.]

CAP. LXXIV.

An Act to amend the Provisions of the Act for the Regulation of Municipal Corporations in Ireland, with respect to the Appointment of Coroners in Boroughs.
[6th August, 1860.]

CAP. LXXV.

An Act to make better Provision for the Custody and Care of Criminal Lunatics.
[6th August, 1860.]

WHEREAS by the Act of the session holden in the thirty-ninth and fortieth years of King George the Third, chapter ninety-four, and the Act of the session holden in the third and fourth years of her Majesty, chapter fifty-four, her Majesty is empowered, where any person is charged with any such offence as therein mentioned, and acquitted on account of insanity, and where any person is indicted for any offence and upon an arraignment is found insane, to give order for the safe custody of such person during her pleasure, in such place and in such manner as she may think fit; and by the said Act of the third and fourth years of her Majesty one of her Majesty's Principal Secretaries of State is empowered, upon such certificate as therein mentioned of the insanity of any person imprisoned as therein mentioned, to direct such person to be removed to such county lunatic asylum, or other proper receptacle for insane persons, as the said Secretary of State may judge proper and appoint; and whereas by the Acts of the session holden in the fifth and sixth years of her Majesty, chapter twenty-nine, and of the session holden in the sixth and seventh years of her Majesty, chapter twenty-six, the said Secretary of State is empowered to order any convict in Pentonville or Millbank Prison becoming or found insane during confinement to be removed to such lunatic asylum as the said Secretary of State may think proper: and whereas it is expedient that provision should be made for the custody and care of criminal lunatics in an asylum or asylums appropriated to that purpose: be it therefore enacted, &c., as follows: (a)

(a) It is not easy to understand why this Act and cap. 60 *supra*, should have been divided. They might well have formed a single statute, and indeed are not intelligible unless taken in connection with each other. That Act, it will be remembered, makes further provision against the premature release from supervision of one who, being a prisoner in the Queen's Prison, becomes lunatic, and is thereupon removed to Bethlehem for the remainder of his sentence. The present enactment, though it fails to notice this provision of the present session, or the 18th section of 5 & 6 Vict. c. 22, thereby amended, yet is to a certain extent *in pari materia*; for in the preamble it speaks of the previous provisions under which convicts in

Pentonville or Millbank prison becoming insane during their confinement are removed to a lunatic asylum, and in sect. 2 amends those provisions. It is difficult to understand why lunatic prisoners should be removed from the Queen's Prison under one Act, and from other places of confinement under another; nor is it clear why the former class should not be under the surveillance and protection of the council of supervision appointed by the present Act over the general asylum for criminal lunatics which it proceeds in the following section to provide.

1. *Her Majesty may appoint asylum for criminal lunatics.* It shall be lawful for her Majesty from time to time, by warrant under her royal sign manual, to appoint that any asylum or place in England which her Majesty may have caused to be provided or appropriated, and may deem suitable for this purpose, shall be an asylum for criminal lunatics, and the provisions of this Act shall be applicable to every such asylum.

2. *Secretary of State may direct criminal lunatics to be confined in the asylum.* It shall be lawful for one of her Majesty's Principal Secretaries of State, by warrant under his hand, to direct to be conveyed to and kept in any such asylum any person for whose safe custody during her pleasure her Majesty is authorized to give order, or whom such Secretary of State might direct to be removed to a lunatic asylum under any of the Acts herein-before mentioned, or under any other Act of Parliament, or any person sentenced or ordered to be kept in penal servitude, who may be shown to the satisfaction of the Secretary of State to be insane, or to be unfit from imbecility of mind for penal discipline; and the Secretary of State may direct to be removed to and kept in such asylum any such person as aforesaid, who, under any previous order of her Majesty or warrant of the Secretary of State, may have been placed and remain in any county lunatic asylum, or other place of reception for lunatics, and every person directed by the Secretary of State to be conveyed or removed to and kept in an asylum under this Act, shall be conveyed to such asylum accordingly, and shall be kept therein until lawfully removed or discharged, and that with every person so conveyed or removed there shall be transmitted a certificate, as set forth in schedule A. to this Act annexed, duly filled up and authenticated, the contents of which certificate shall be transcribed into the general register to be kept in every such asylum. (b)

(b) It may be contended that a Secretary of State under the words in this section, "under any other Act of Parliament," may order the removal of a prisoner from the Queen's Prison to the new general criminal asylum. But if this be intended, it is far from clearly expressed; and is, indeed, *pro tanto* an implied repeal of the enactments in 5 & 6 Vict. c. 22, s. 13, and 23 & 24 Vict. c. 60, which speak of "Bethlehem Hospital" as the place to which a prisoner in the Queen's prison becoming a lunatic is to be sent in the first instance and during the residue of his sentence.

It will be observed that under the present provision three classes of persons may be removed to and kept in the new criminal asylum:—1. Persons not tried, or acquitted on the ground of insanity under 39 & 40 Geo. 3, c. 94; 2. Convicts and other offenders becoming insane during the term of their sentence; 3. Convicts or other offenders not being fit by reason of imbecility of mind for penal discipline.

3. *Nothing to affect the authority of the Crown to make other provision for the custody of a criminal lunatic.* Nothing in this Act shall restrain or affect the authority of her Majesty, where she may so think fit, to give such other order for the safe custody of any such person as aforesaid as she might have given if this Act had not been passed, or restrain or affect the authority of the Secretary of State to continue in or direct to be removed to any county asylum or other place for the reception of lunatics any of the persons aforesaid whom he might have so continued or directed to be removed if this Act had not been passed.

4. *Secretary of State to appoint council of supervision and officers for asylums.* It shall be lawful for the Secretary of State from time to time to appoint any such persons as he may think fit, being not less than three in number, to be a council of supervision for any asylum under this Act, and to remove all or any of the said council, and upon the removal, death, or re-

signation of any member of the said council, to appoint another in his place; and also from time to time to appoint for the asylum a resident medical superintendent, a chaplain, and such other officers, assistants, and servants as he may deem necessary, and at pleasure to remove such superintendent, chaplain, officers, assistants, and servants respectively; and the Secretary of State, with the approval of the Commissioners of her Majesty's Treasury, shall fix the salaries to be paid to the superintendent, chaplain, officers, assistants, and servants of such asylum. (c)

(c) The idea of this "council of supervision" is evidently taken from the "board of directors of convict prisons," who under 13 & 14 Vict. c. 39, and 20 & 21 Vict. c. 3, have the general superintendence and regulation of the prisons of Parkhurst, Pentonville, and Millbank, and of all places for the confinement of male offenders in England under sentence of penal servitude. It will be remarked that the provision at the end of the section for the payment of the superintendent and other officers of the asylum, does not include the members of this council.

5. *Secretary of State to make rules for the government of the asylum.* It shall be lawful for the Secretary of State from time to time to make rules for the government and management of the asylum, and for the duties and conduct of the officers thereof and for the care and treatment of the persons confined therein, and to subscribe a certificate that they are fit to be enforced; and such rules, when so certified, shall be binding on the council, and all officers, assistants, and servants of the asylum, and all other persons whomsoever, and all such rules shall be laid before Parliament within twenty-one days after they shall be certified, or if Parliament be not sitting then within twenty-one days after the next meeting of Parliament.

6. *Subject to such rules, council to superintend asylum.* Subject to the rules certified by the Secretary of State under this Act, the council of supervision shall superintend and direct the management and conduct of the asylum, and the care and treatment of the lunatics confined therein; and such council or any two of them shall from time to time, as by the rules shall be provided, and at such other times as they may think fit, report in writing to the Secretary of State in relation to the management and conduct of the said asylum and the condition thereof, and to any matters concerning the same; and if any person detained and confined as aforesaid shall be of a religious persuasion differing from that of the Established Church, a minister of such persuasion at the special request of such person or of his friends or relations shall be allowed to visit him at proper and reasonable times by application to the medical superintendent, and under such rules as may be approved of by the Secretary of State, but no such person shall be compelled to attend any of the ordinances or instructions of any religious persuasion other than his own.

7. *Provision as to removal and discharge of lunatics.* The provisions of the Acts hereinbefore mentioned, or of any other Act for the removal or discharge of lunatics whom the said Secretary of State is, under the hereinbefore mentioned Acts, or any other Act now in force, authorized to direct to be removed to any lunatic asylum, shall extend and apply to any lunatic whom the Secretary of State may direct to be conveyed to any asylum for criminal lunatics appointed under this Act: provided always, that any order for removal or discharge which may now be made by the Secretary of State on the certificate of two physicians or surgeons may be made on the certificate of the resident medical superintendent of the asylum and any two of the council of supervision.

8. *Provision for discharge of persons confined after their term of imprisonment has expired.* Provided also, that where by reason of the expiration of his term of imprisonment or penal servitude, or otherwise, a person confined in the asylum would be entitled to his discharge if duly certified to have become of sound mind, it shall be lawful for the Secretary of State by his warrant to order the discharge of such person, although he may not have been certified as aforesaid, to the intent that he may be placed in a county lunatic asylum, or otherwise subjected to the same care and treatment as lunatics not being criminals.

9. *Secretary of State may permit any lunatic to be absent from asylum on trial, &c.* Provided also, that it shall be lawful for the Secretary of State by his warrant to permit any person confined in the asylum to be absent from such asylum upon trial for such period as he may think fit, or to permit any such

person to be absent from such asylum upon such conditions in all respects as to the Secretary of State shall seem fit; and in case any person so permitted to be absent upon trial for any period do not return at the expiration of such period, or in case any of the conditions on which any person is so permitted to be absent be broken, the person not returning at such expiration or absent after any such condition has been broken, as the case may be, may be re-taken as herein provided in the case of an escape.

10. *Provisions of 3 & 4 Vict. c. 54, as to expenses of conveyance and maintenance to apply to this Act.* All provisions in the said Act of the third and fourth years of her Majesty for the payment of the conveyance of such insane persons as therein mentioned to any asylum or other receptacle, and of his maintenance therein, shall extend and be applicable to the conveyance of any such person to any asylum for criminal lunatics, and his maintenance therein, and all sums payable under any order made under such provisions shall be paid and applied towards defraying or reimbursing the expenses in respect of which the same are paid, or other expenses of the asylum, as the Commissioners of her Majesty's Treasury may direct.

11. *Lunatics escaping may be retaken by superintendent, &c.* In case of escape of any person confined in any asylum for criminal lunatics, he may be retaken at any time by the superintendent of such asylum, or any officer or servant belonging thereto, or any person assisting such superintendent, officer, or servant in this behalf, or any other person authorised in writing in this behalf by the Secretary of State or such superintendent, and conveyed to and received and detained in such asylum.

12. *Punishment of persons for rescue or permitting escape.* Any person who rescues any person ordered to be conveyed to any asylum for criminal lunatics during the time of his conveyance thereto, or of his confinement therein, and any officer or servant in any asylum for criminal lunatics, who through wilful neglect or connivance permits any person confined therein to escape therefrom, or secretes, or abets or connives at the escape of any such person, shall be guilty of felony, and being convicted thereof shall be liable to be kept in penal servitude for any term not exceeding four years, or to be imprisoned for any term not exceeding two years, with or without hard labour, at the discretion of the Court, and any such officer or servant who carelessly allows any such person to escape as aforesaid, shall on summary conviction before two justices of such offence, forfeit any sum not exceeding twenty pounds nor less than two pounds. (d)

(d) As to the present enactments with regard to the offence of rescuing persons confined in prison not being lunatic, see 25 Geo. 2, c. 37, s. 9; 4 Geo. 4, c. 64, and 14 & 15 Vict. c. 100 s. 29.

13. *Penalty on officers or servants ill-treating lunatics.* Any superintendent, officer, nurse, attendant, servant, or other person employed in any asylum for criminal lunatics who strikes, wounds, ill-treats, or wilfully neglects any person confined therein, shall be guilty of a misdemeanour, and shall be subject to indictment for every such offence, and on conviction under the indictment to fine or imprisonment, with or without hard labour, or to both fine and imprisonment, at the discretion of the Court, or to forfeit for every such offence, on a summary conviction thereof before two justices, any sum not exceeding twenty pounds or less than two pounds.

14. *Commissioners in lunacy to visit asylums.* Two or more of the commissioners in lunacy, one at least of whom shall be a physician or surgeon, and one at least a barrister shall, once or oftener in each year, on such day or days and at such hours of the day and for such length of time as they think fit, and also at any time when directed by the Secretary of State, visit every asylum for criminal lunatics, and shall inquire as to the condition, as well mental as bodily, of the persons confined therein, or any of them, and shall also make such other inquiries as to such asylum as to them may seem proper, or as such Secretary of State may direct. (e)

(e) As to these commissioners and their duties with regard to other lunatic asylums, see 8 & 9 Vict. c. 100, and in particular sects. 61, 67, 88. By the section last mentioned, their annual report is to be made to the Lord Chancellor, and not to the Secretary of State, as in the present Act.

15. *Commissioners in lunacy to report to Secretary of State.* The commissioners in lunacy shall in the month of March in every year report to one of her Majesty's Principal Secretaries of State the visits made as aforesaid in the preceding year, and all such particulars in relation to every asylum visited as aforesaid as they think deserving of notice, and shall also report in like manner in relation to any visit made by the direction of the Secretary of State, as soon as conveniently may be after such visit, and a copy of every such report shall be laid before Parliament within twenty-one days after the receipt thereof, or if Parliament be not sitting, then within twenty-one days after the next meeting of Parliament.

SCHEDULE A.

Statement respecting Criminal Lunatics to be filled up and transmitted to the Medical Superintendent with every Criminal Lunatic.

Name
Age
Date of admission
Former occupation
From whence brought
Married, single, or widowed
How many children
Age of youngest
Whether first attack
When previous attacks occurred
Duration of existing attack
State of bodily health
Whether suicidal or dangerous to others
Supposed cause
Chief delusions or indications of insanity
Whether subject to epilepsy
Whether of temperate habits
Degree of education
Religious persuasion
Crime
When and where tried
Verdict of jury
Sentence

CAP. LXXVI.

An Act to amend the Burial Grounds (Ireland) Act (1856). [6th August, 1860.]

CAP. LXXVII.

An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.

[6th August, 1860.]

WHEREAS the provisions of "The Nuisances Removal Act for England, 1855" and "The Diseases Prevention Act, 1855," concerning the local authority for the execution of the said Acts are defective, and it is expedient that the said Acts should be amended as herein-after mentioned: be it enacted, &c., as follows:—

Nuisances removal.

1. *Sections 3, 6, 7, and 9, of 18 & 19 Vict. c. 121, repealed.* Section three, section six, section seven, and section nine of the said "Nuisances Removal Act for England, 1855," shall be repealed: provided always, that such repeal as aforesaid shall not extend to any charges or expenses already incurred, but the same may be defrayed and recovered, and all proceedings commenced or taken under the said Act, and not yet completed, may be proceeded with, and all contracts under the said Act shall continue and be as effectual, as if this Act had not been passed.

2. *Local authority to execute the Nuisances Removal Act.* The following bodies shall respectively be the local authority to execute the said Nuisances Removal Act in the districts hereunder stated in England:

In any place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any other place wherein a council exists or shall exist, the mayor, aldermen, and burgesses by the council, except in the city of London and liberties thereof, where the local authority shall be the commissioners of sewers for the time being, and except in the city of Oxford and borough of Cambridge, where the local authority shall be the commissioners acting in execution of the Local Improvement Acts in force respectively in the said city and borough:

In any place in which there is no local board of health or council, and where there are or shall be trustees or commissioners under an improvement Act, such trustees or commissioners:

In any place within which there is no such local board of health, council, body of trustees, or commissioners, if there be a board of guardians of the poor for such place, or for any parish or union within which such place is situate, such board of guardians, and, if there be no such board of guardians, the overseers of the poor for such place, or for the parish of which such place forms part. (a)

(a) These repealed sections occur in Part I. of the Act of 1855. By the first of these (sect. 3) were established a variety of different bodies to be respectively the "local authority" to execute the Act in a variety of contingencies—the first three of which are the same as the first three of those provided for by this section of the present Act. But in the Act of 1855, the highway board, or a special committee chosen by the vestry, or a lighting and watching board under 3 & 4 Will. 4, c. 90, were respectively, in the absence of other authorities, to act. It will be observed that the present provision omits these bodies as local authorities, and constitutes the guardians or overseers the proper authorities in any place in which there is none of the authorities specified in the three first classes of places.

Sect. 6 of 18 & 19 Vict. c. 121, which provided for the execution of the Act in extra-parochial places, is thus rendered unnecessary.

3. *Highway board or nuisances removal committees now subsisting may be continued so long as they employ sanitary inspectors.* Provided, that in any place where a highway board or "the nuisances removal committee" chosen by the vestry in pursuance of the said Act is subsisting, and at the time of the passing of this Act employs or joins with other local authorities in employing a sanitary inspector or inspectors, such highway board or nuisances removal committee may continue to act, and a like committee may be annually chosen by the vestry for such place in the same manner as if this Act had not been passed; but in case in any year the nuisances removal committee be not chosen for such place in manner provided by the said Act, or if the highway board or committee now subsisting or hereafter chosen fall for two months in any year to appoint or employ a sanitary inspector or inspectors, the authority of such highway board or committee shall cease, and no like committee shall be chosen for such place, and the same body or persons shall thenceforth be the local authority for the place as if no such highway board or committee had been appointed therein.

4. *How expenses of local authority to be defrayed.* All charges and expenses incurred by the local authority in executing the said Nuisances Removal Act, and not recovered as therein provided, shall be defrayed as follows: to wit,

Out of general district rates where the local authority is a local board of health:

Out of the borough fund or borough rate where the local authority is the mayor, aldermen, and burgesses by the council:

Provided always, that in the city of Oxford and borough of Cambridge such expenses shall be deemed annual charges and expenses of cleansing the streets of the said city and borough respectively, and shall be so payable:

Out of the rates levied for purposes of improvement under any improvement Act, where the local authority is a body of trustees or commissioners acting in execution of the powers of such an Act:

Where a board of guardians for a union is such local authority for the whole of such union, such charges and expenses shall be defrayed by means of an addition to be made to the rate for the relief of the poor of the parish or parishes for which the expense has been incurred, and be raised and paid in like manner as money expended for the relief of the poor:

Where the board of guardians for a union is such local authority for two or more places maintaining their own poor, but not for all such places in such union, such charges and expenses shall be paid out of the poor rates of the places aforesaid for which the board is the local authority:

Where the board of guardians for a union is under this Act the local authority for a single place maintaining its own poor, and where the board of guardians for any such single place, or the overseers of any such place, or

"the nuisances removal committee" continued or chosen as herein-before provided in any such place, are under this Act the local authority of such place, such charges and expenses shall be defrayed out of the rates for the relief of the poor thereof:

Where the board of guardians for a union is under this Act the local authority for part only of any place maintaining its own poor, together with the whole of any other such place or part of any other such place, such board shall apportion such charges and expenses between or among any or every such part and any or every such place; and so much of such charges and expenses as may be apportioned to any or every such place for the whole of which such board is the local authority shall be defrayed out of the rates or funds applicable to the relief of the poor thereof:

So much of any such charges and expenses as may be apportioned to part of a place maintaining its own poor, and any such charges and expenses incurred by any board of guardians or overseers, where such board or overseers are the local authority for part of any such place only, shall be defrayed by means of an addition to be made to the rate for the relief of the poor thereof, and be raised and paid in like manner as money expended for the relief of the poor. (b)

(b) The subject of the defrayal of the expenses incurred by the local authority was regulated by the 7th section of the Act of 1855, now repealed; which is only so far modified as is required by the change in the present Act with respect to the proper bodies to act as the local authorities in different places.

5. *Board of guardians may appoint committees for particular parishes.* Provided, that the board of guardians for a union may appoint a committee or committees of their own body, under section five of the said Nuisances Removal Act, to act in and for one or more of the parishes or places for which the board is the local authority; and every committee so appointed shall have the full power of executing the said Act in all respects, within the specified place or places for which it is appointed, unless its power be expressly limited by the terms of its appointment; and the board of guardians shall cause the charges and expenses of every such committee to be paid out of the poor rates of the place or places for which such committee is appointed; and where a committee is so appointed for any such place or places the charges and expenses of the board as local authority for or in respect of the place or places for which a committee is not appointed shall be paid or contributed by such last-mentioned place or places in like manner as the expenses of a committee; provided that where any one such committee is appointed for all the places for which the board is the local authority its charges and expenses shall be contributed and paid in like manner as the charges and expenses of the board would have been contributed and paid if such committee had not been appointed.

6. *Saving for the vestries and district boards of the metropolis.* Provided also, that as regards the metropolis, the vestries and district boards under the Act of the session holden in the eighteenth and nineteenth years of her Majesty, chapter one hundred and twenty, within their respective parishes and districts, shall continue and be the local authorities for the execution of the said Nuisances Removal Act, and their charges and expenses shall be defrayed as if this Act had not been passed.

7. *Wells, &c., belonging to any place vested in local authority, &c.* All wells, fountains, and pumps, provided under section fifty of "The Public Health Act, 1848," or otherwise, for the use of the inhabitants of any place, and not being the property of or vested in any person or corporation other than officers of such place, shall be vested in the local authority under this Act for such place, who shall from time to time cause to be kept in good repair and condition and free from pollution all wells, fountains, and pumps, vested in them under this Act, and may also keep in good repair and condition and free from pollution other wells, fountains, and pumps, dedicated to or open to the use of the inhabitants of such place.

8. *Penalty for fouling water.* If any person do any act whatsoever whereby any fountain or pump is wilfully or maliciously damaged, or the water of any well, fountain, or pump is polluted or fouled, he shall, upon summary conviction of such offence before two justices, forfeit a sum not exceeding five pounds for such offence, and a further sum not exceeding twenty shillings for every day during which such offence is

continued after written notice from the local authority in relation thereto; but nothing herein contained shall extend to any offence provided against by section twenty-three of the said Nuisances Removal Act. (c)

(c) The section here referred to provided a penalty of £200 for the offence of causing water to be fouled by gas washings.

9. *Appointment of inspectors of nuisances.* Local authorities under this Act may, for the purposes of the Act, severally appoint or employ inspectors of nuisances, and make such payments as they see fit for the remuneration and expenses of such inspectors. (d)

(d) By sect 9 of the Act, 1855 (now repealed), the local authorities were allowed to appoint, or to join with other local authorities in appointing, sanitary inspectors.

Diseases Prevention.

10. *Sections 2 and 3 of 18 & 19 Vict. c. 116 repealed.* Sections two and three of "The Diseases Prevention Act, 1855," and every other enactment constituting a local authority for the execution of the same Act, or providing for the expenses of the execution thereof, except those contained in the eighteenth and nineteenth of Victoria, chapter one hundred and twenty, the Metropolis Local Management Act, shall be repealed. (e)

(e) By the sections here repealed of the Act of 1855, there were established as local authorities for carrying into execution of the Act, the local authorities established by the Removal of Nuisances Act of the same year, by the sections above explained to be now repealed. Hence the necessity for the present provision. It will be remembered that the metropolis is otherwise and separately provided for.

11. *Guardians and overseers of the poor to be the local authorities for executing Diseases Prevention Act.* The board of guardians for every union or parish not within an union in England shall be the local authority for executing the said Diseases Prevention Act in every place within their respective unions and parishes, and in every parish and place in England not within a union, and for which there is no board of guardians, the overseers of the poor shall be the local authority to execute the same Act; and the expenses incurred in the execution of such Act by the board of guardians for a union shall be defrayed out of the common fund thereof, and the expenses of the board of guardians or overseers of the poor of any single parish or place shall be defrayed out of the rates for the relief of the poor of such parish or place; provided that every such board of guardians shall, for the execution of the said Act for the prevention of diseases, have the like powers of appointing committees, with the like authority, and where any such committee is appointed the expenses thereof and of the board shall be paid in the same manner as herein-before provided where such a board is the local authority for the execution of the said Nuisances Removal Act; provided also, that any expenses already incurred by any local authority in the execution of the said Act shall be defrayed as if this Act had not been passed; provided, moreover, that in respect of any place where, under this Act, the local authority for executing the Nuisances Removal Act is any other body than the board of guardians or the overseers of the poor, the Privy Council, if it see fit, may, in the manner provided for the exercise of its powers under the Public Health Act, 1858, authorise such other body to be, instead of the board of guardians or the overseers of the poor, the local authority for executing the Diseases Prevention Act; provided also, that as regards the metropolis the vestries and district boards under the Act of the session holden in the eighteenth and nineteenth years of her Majesty, chapter one hundred and twenty, within their respective parishes and districts, shall continue to be the local authorities for the execution of the said "Diseases Prevention Act, 1855," and their charges and expenses shall be defrayed as if this Act had not been passed. (f)

(f) The general effect of this provision taken in connection with the preceding repeal clause, is to place this subject under the superintendence of the board of guardians, where there is one, and in other cases, of the overseers of the poor—subject, however, to the interference of the Privy Council, who may

appoint some other body to be the local authority to carry out this Act in the place of guardians or overseers.

12. *Local authorities may provide carriages for conveyance of infected persons.*] It shall be lawful for the local authority for executing the said Diseases Prevention Act to provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any contagious or infectious disease, and to convey such sick and diseased persons as may be residing within such locality to any hospital or other place of destination, and the expense thereof shall be deemed to be an expense incurred in executing the said Act. (g)

(g) This is a new and most useful enactment, and it is to be hoped that it will be very generally taken advantage of.

13. *Justices, on the application of householders, may order the removal of nuisances.*] Upon complaint before a justice of the peace by any inhabitant of any parish or place of the existence of any nuisance on any private premises in the same parish or place, such justice shall issue a summons requiring the person by whose act, default, permission, or sufferance the nuisance arises, or if such person cannot be found or ascertained, the owner or occupier of the premises on which the nuisance arises, to appear before two justices in petty sessions assembled at their usual place of meeting, who shall proceed to inquire into the said complaint, and act in relation thereto as in cases where complaint is made by a local authority under section twelve of the said Nuisances Removal Act, and as if the person making the complaint were such local authority: Provided always, that it shall be lawful for the said justices, if they see fit, to adjourn the hearing or further hearing of such summons for an examination of the premises where the nuisance is alleged to exist, and to require the admission or authorise the entry into such premises of any constable or other person or persons, and thereupon the person or persons authorized by the order of the justices may enter and act as the local authority might under a like order made by any justice under section eleven of the said Act; provided also, that the costs in the case of every such application shall be in the discretion of the justices, and payment thereof may be ordered and enforced as in other cases of summary adjudication by justices: any order made by justices under this enactment shall be attended with the like penalties and consequences for disobedience thereof and subject to the like appeal as any order made under section twelve of the said Nuisances Removal Act, and the justices making such order may thereby authorize any constable or other person or persons to do all acts for removing or abating the nuisance condemned or prohibited, and for executing such order, in like manner as a local authority obtaining the like order might do under the said Act, and to charge the costs to the person on whom the order is made, as is provided in the case where a like order is obtained and executed by such local authority (h).

(h) This section, although placed among provisions which relate to the *Diseases Prevention Act of 1855* (18 & 19 Vict. c. 116), relates, in fact, and is in extension of the 8th and following sections of the *Nuisances Removal Act of the same year* (18 & 19 Vict. c. 121). By those provisions, the local authority might ascertain a nuisance to exist in any private premises on the relation of any person aggrieved thereby, or such other informers as that Act specifies, and after having ascertained the nuisance to exist, might cause it to be abated by a magistrate's order, and in default, the infliction of a penalty and the liability to have the nuisance abated by the entry and act of the local authority.

It will be seen that the procedure now authorised is more effectual and summary, and among other distinctions, it may be set on foot by any inhabitant of the parish, whether aggrieved or not, and without the previous inquest of the local authority.

14. *Guardians may procure sanitary reports and pay for the same.*] The guardians of any union or parish not within an union may at any time employ one of their medical officers to make inquiry and report upon the sanitary state of their union or parish, or any part thereof, and pay a reasonable compensation for the same out of their common fund.

15. *Interpretation of terms.*] The several words used in this

Act shall be construed in the same manner as is declared with reference to the same words in the above cited Act, termed "The Nuisances Removal Act for England, 1855," and all the provisions therein, and in "The Diseases Prevention Act, 1855," contained, shall respectively be applicable to this Act, except so far as they shall be hereby repealed, or be inconsistent with anything herein provided.

16. *Justices not incapable of acting by being members of bodies to execute Nuisances Removal Act.*] No justice of the peace shall, unless objected to at the hearing of any complaint or charge, be deemed incapable of acting in cases other than appeals arising under the said Nuisances Removal Act by reason of his being a member of any body hereby declared to be the local authority to execute the said Act, or by reason of his being a contributor, or liable to contribute, to any rate or fund out of which it is hereby provided that all charges and expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed.

CAP. LXXVIII.

An Act to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts. [6th August, 1860.]

WHEREAS it is the practice of some of the occupiers of bleaching works and dyeing works to keep females, young persons, and children at work during the night, and an unreasonable number of hours during the day; and whereas such practices are not necessary to the successful carrying on of those trades, but are very injurious to the health and morals of the females, young persons, and children employed therein, and it has become necessary to regulate the employment of such people, and to provide for the education of such children: and whereas an Act was passed in the fourth year of the reign of his late Majesty, intituled "An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom:" and whereas an Act was passed in the seventh year of the reign of her Majesty, intituled "An Act to amend the Laws relating to Labour in Factories:" and whereas an Act was passed in the tenth year of the reign of her present Majesty, intituled "An Act to limit the Hours of Labour of Young Persons and Females in Factories:" and whereas an Act was passed in the fourteenth year of the reign of her present Majesty, intituled "An Act to amend the Acts relating to Labour in Factories:" and whereas an Act was passed in the seventeenth year of the reign of her present Majesty, intituled "An Act further to regulate the Employment of Children in Factories:" and whereas an Act was passed in the twentieth year of the reign of her present Majesty, intituled "An Act for the further amendment of the Laws relating to Labour in Factories:" be it therefore enacted, &c., as follows:—

1. *Recited Acts to apply to bleaching and dyeing works, and to the employment of females, young persons, and children therein.*] That from and after the first day of August, one thousand eight hundred and sixty-one the powers and provisions of the herein-before recited Acts shall apply and be held to apply to bleaching works and dyeing works, except works in which the operation of bleaching by the open-air process is the only operation of bleaching carried on, and to the employment of females, young persons, and children in bleaching works and dyeing works, except as aforesaid, to all intents and purposes as completely and effectively as if such bleaching works and dyeing works had been mentioned and included in the provisions of the herein-before recited Acts or any of them, except as is herein-after provided: provided, nevertheless, that until the first day of August, one thousand eight hundred and sixty-two, it shall be lawful to employ females above the age of eighteen years and young persons in bleaching works and dyeing works until eight of the clock at night on every working day except Saturdays, and until half-past four of the clock in the afternoon on Saturdays.

2. *Females and young persons may be employed until half-past four o'clock on Saturdays and until eight o'clock on other days, but not so as to exceed in any period of six months and part of another month the total number of hours allowed by this Act, &c.*] Provided also, that after the said first day of August, one thousand eight hundred and sixty-two, it shall be lawful to employ females above the age of eighteen years and young persons in bleaching works and dyeing works, in every case where the employment of such females and young persons, as regulated by the herein-before recited Acts, or any of them,

SCHEDULE (B.)

Register of the longest time which any female or young person has been employed on each day of the month ending [February 18, 1860], by [John Armstrong and Company] at the [Fir Trees] Bleaching Works or Dyeing Works, situate in the Township of [Hopeton] in the County of [Lancaster].

	Mon- day.	Tues- day.	Wed- nes- day.	Thurs- day.	Friday.	Satur- day.
	H. M.	H. M.	H. M.	H. M.	H. M.	H. M.
(1860.)						
Week ending (January 28)						
Week ending (February 4)						
Week ending (February 11)						
Week ending (February 18)						

CAP. LXXIX.

An Act to provide additional Accommodation for the Sheriff Courts in Scotland. [6th August, 1860.]

CAP. LXXX.

An Act to regulate the Levying and Collection of the Inventory Duty payable upon Heritable Securities and other property in Scotland. [6th August, 1860.]

CAP. LXXXI.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. [6th August, 1860.]

WHEREAS under an Act of the session holden in the fourteenth and fifteenth years of her Majesty (chapter fifty-three), "to consolidate and continue the copyhold and inclosure commissions, and to provide for the completion of proceedings under the Tithe Commutation Acts," certain powers of appointing commissioners and other officers as therein mentioned were limited to continue for two years next after the day of the passing of that Act, and thenceforth until the end of the then next session of Parliament, and no commissioner or other officer or person appointed or continued under that Act was to hold his office for a longer period than two years next after the day of the passing of that Act, and thenceforth until the end of the then next session of Parliament: and whereas by certain Acts, and ultimately by an Act of the session holden in the twenty-first and twenty-second years of her Majesty, chapter fifty-three, the said powers of appointing commissioners and other officers have been continued, and the period limited for the holding of office under the said first-mentioned Act has been extended until the first day of August one thousand eight hundred and fifty-nine, and thenceforth until the end of the then next session of Parliament: and whereas it is expedient that the said powers of the said first-mentioned Act should be continued, and that the said period thereby limited should be extended as herein-after mentioned: be it therefore enacted, &c., as follows: the powers of appointing commissioners and other officers limited to continue as aforesaid by the said Act of the fourteenth and fifteenth years of her Majesty shall be further continued until the first day of August one thousand eight hundred and sixty-one, and thenceforth until the end of the then next session of Parliament, and the period limited for the holding of office under the said Act shall in like manner be extended until the said first day of August one thousand eight hundred and sixty-one, and thenceforth until the end of the then next session of Parliament.

CAP. LXXXII.

An Act to amend the Provisions of "The Common Law Procedure (Ireland) Act Amendment (1853)." [6th August, 1860]

CAP. LXXXIII.

An Act to explain an Act of the Eighteenth and Nineteenth Years of Her present Majesty enabling Infants, with the Approbation of the Court of Chancery, to

make binding Settlements of their real and personal Estate on Marriage. [6th August, 1860.]

WHEREAS an Act was passed in the eighteenth and nineteenth years of her Majesty, chapter forty-three, intituled an Act to enable infants, with the approbation of the Court of Chancery, to make binding settlements of their real and personal estate on marriage: and whereas doubts have been entertained as to the power of the Court of Chancery in Ireland to give such approbation, and it is expedient that such doubts should be removed: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same as follows:

1. *The words Court of Chancery in that Act shall include Court of Chancery in Ireland.* In the interpretation of the said recited Act, and for all the objects and purposes thereof, the words "Court of Chancery" shall include and be taken to include the Court of Chancery in Ireland, and all orders made and approbations already given by the Court of Chancery in Ireland, in cases provided for and contemplated by the said Act, shall be as valid and binding in law as if the words "the Court of Chancery in Ireland" had been expressly contained in the said Act in all places where the words "the Court of Chancery" are mentioned therein.

CAP. LXXXIV.

An Act for preventing the Adulteration of Articles of Food or Drink. [6th August, 1860.]

WHEREAS the practice of adulterating articles of food and drink for sale, in fraud of her Majesty's subjects, and to the great hurt of their health, requires to be repressed by more effectual laws than those which are now in force for that purpose: be it therefore enacted, &c., as follows: (a)

(a) The practice against which this Act is aimed has hitherto been restrained by positive enactment only very partially. Yet there are in the statute book a variety of Acts which, under various penalties, prohibit the selling of different species of provisions in an unwholesome or adulterated state. Thus by an ancient statute still, it is apprehended, unrepealed (51 Hen. 3, s. 6), the sale of bad wine or flesh is restrained under pain of fine and imprisonment—an Act which came under discussion so recently as the year 1847 (see *Burnby v. Bollett*, 16 Mee. & W. 644). And again other regulations are made to protect the purity of wine sold, by 12 Car. 2, c. 25, and 1 W. & M. st. 1, c. 39. So also by 6 Geo. 4, c. 106 (with respect to the metropolitan district), and by 6 & 7 Will. 4, c. 37 (with respect to bakers elsewhere), provisions are made against the adulteration of bread, corn, meat, or flour. And still more recently (by 11 & 12 Vict. c. 107), against the exposure to sale of infected sheep or lambs. Besides these, there are also various local Acts for the regulation of particular markets. And excisable articles, such as tobacco, &c., are also protected.

Moreover, to sell unwholesome provisions is an indictable offence at common law, as an injury to the public health. And it has been held, that if a master knows that his servant puts into food (such as bread) an ingredient prohibited by law (as alum); and the servant puts in, even without the knowledge of his master, so large a quantity of such ingredient as to make the food unwholesome, the master is liable criminally, because he should have taken care that no larger quantity than was wholesome was inserted (*Rev v. Dixon*, 3 M. & S. 11).

Subject, however, to what is above stated, there has hitherto been no legal obligation to sell articles of food and drink in a pure state; and it is matter of notoriety that this absence of direct legislation on the subject is attended with almost universal adulteration of the commonest articles of consumption; the stimulus of competition being found by experience to be wholly insufficient. It remains to be seen whether the positive legislation now attempted will be more efficacious.

1. *Penalty on persons selling articles of food or drink knowing the same to be injurious to health.—As to subsequent offences.*

Every person who shall sell any article of food or drink with which, to the knowledge of such person, any ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as pure or unadulterated any article of food or drink which is adulterated or not pure, shall for every such offence, on a summary conviction of the same before two justices of the peace at petty sessions in England, and in Scotland before two justices of the peace in justice of the peace court, or before the sheriff substitute of the county, or before justices at petty sessions or a divisional justice in Ireland, forfeit and pay a penalty not exceeding five pounds, together with such costs attending such conviction as to the said justices shall seem reasonable; and if any person so convicted shall afterwards commit the like offence it shall be lawful for such justices to cause such offender's name, place of abode, and offence to be published, at the expense of such offender, in such newspaper or in such other manner as to such justices shall seem desirable. (b)

(b) It would not be easy to imagine a more stringent clause than this. The first offence spoken of, namely, the wilful sale of any article of food or drink mixed with any ingredient or material injurious to the health of persons eating or drinking the same, is (as already noticed) little more, if at all, than declaratory of the common law. See 2 East. P. C., c. 18, s. 4. It will be noticed that the offence is not in terms confined to articles for human consumption; nor is anything said about the proportion of the noxious ingredient or material to the amount of the article sold.

The other offence of selling as pure or unadulterated that which is not in reality so, would before this Act be punishable only, if at all, as amounting to the offence of cheating (see *Russ. on Crimes*, vol. i. p. 275, *et seq.*).

The punishment devised by the Act for a subsequent offence is singular, and (it is apprehended) quite an experiment. It may be feared that it is likely to lead to breach of the peace, and even to dangerous excitement of the public mind.

2. *Power to appoint analysts.* [In the city of London and the liberties thereof the commissioners of sewers of the city of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis, in England and Ireland the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, and in Scotland the commissioners of supply at their ordinary meetings for counties, and town councils within their several jurisdictions, may, from time to time for their respective city, districts, counties, or boroughs, appoint and remove one or more persons possessing competent medical, chemical, and microscopical knowledge as analysts of all articles of food and drink purchased within the said city, metropolitan districts, counties, or boroughs, and may pay to such analysts such salary or allowances as they may think fit: but such appointments and removals shall at all times be subject in Great Britain to the approval of one of her Majesty's Principal Secretaries of State, and in Ireland to that of the Lord Lieutenant.

3. *Protection against articles of food and drink being tampered with by purchaser.* [On the hearing by the justices of any complaint under this Act in any district, county, or borough wherein any analyst shall have been appointed, the purchaser shall prove to the satisfaction of such justices that the seller of the article of food or drink alleged to be adulterated, or his servants, had such notice of the intention of the purchaser to have such article analysed, and also such opportunity of accompanying the purchaser to an analyst appointed by this Act, as the justices shall think reasonable, in order to secure such article from being tampered with by the purchaser.

4. *Power to purchasers of articles of food and drink to have them analysed.—Certificate of analyst made evidence.* [Any purchaser of any article of food or drink in any district, county, city, or borough, where there is any analyst appointed under this Act shall be entitled, on payment to the analyst of a sum not less than two shillings and sixpence nor more than ten shillings and sixpence, to have any such article analysed by any analyst who may be appointed for such district, county, city, or borough, and to receive from such analyst a certificate of the result of his analysis, specifying whether in his opinion such article is

adulterated, and also whether it is so adulterated as to be injurious to the health of persons eating or drinking the same; and such certificate duly signed by such analyst shall, in the absence of any evidence to the contrary, be sufficient evidence before the justices or in any court of justice of the matters therein certified, and the sum so directed to be paid for such certificate shall be deemed part of the costs.

5. *Power to justices to have articles of food and drink analysed.* [The justices before whom any complaint may be made under this Act may, in their discretion, cause any article of food or drink to be examined and analysed by such skilled person as they may appoint for that purpose, who may be required to give evidence of the same at the hearing of the case; and the expense thereof, and of such examination and analysis, if not paid by the complainant or party complained against, shall be deemed part of the expenses of executing this Act, but nevertheless such expense may be ordered by such justices to be paid by the party so complaining or complained against, as they shall think proper. (c)

(c) These sections, with regard to the procuring a scientific analysis of the articles purchased, provide a machinery for ascertaining with some degree of certainty whether the article purchased was sold in a pure or unadulterated state; but nothing is said as to the first offence mentioned in sect. 1; nor how the justices are to be satisfied of the guilty knowledge of the seller. Such knowledge appears, by the way, to be only essential to the offence first mentioned, and therefore a tradesman (unless in the case of patent articles, as to which see sect. 8,) positively guarantees the purity of every eatable or drinkable article sold by him, whether he made it or not.

6. *Appeal to quarter sessions.* [Any person who has been convicted of any offence punishable by this Act by any justices may appeal to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such judgment or conviction shall have been made, or in the case of the conviction having been before a sheriff substitute in Scotland, then the appeal shall be to the sheriff of the county, provided that such person enter into a recognizance within two days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the Court at such general or quarter sessions, or sheriff, and to pay such costs as shall be by such Court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance; and the Court at such general or quarter sessions, or sheriff, are hereby authorised and required to hear and finally determine the matter of every such appeal, and may award such costs to the party appealing or appealed against as they shall think proper.

7. *Where conviction within six days of quarter sessions, time allowed for appeal.* [If any such conviction or judgment or order of forfeiture shall happen to be made within six days before any general or quarter sessions of the peace shall be held for the city, county, town, or place wherein such conviction shall have been made, the person who shall think himself aggrieved by any such conviction may, on entering into a recognizance in manner and for the purposes before directed, be at liberty to appeal either to the then next or next following general or quarter sessions of the peace which shall be held for any such city, county, town, or place wherein any such conviction shall have been made, on giving six days notice to the complainant of his intention to appeal.

8. *Persons convicted of selling adulterated patented article may have a case stated for opinion of superior court.* [Any person who shall have been convicted by any justices or sheriff substitute of any offence punishable by this Act, in respect of the selling of any article of food or drink which shall have been manufactured according to any process patented before the passing of this Act, either by the patentee or owner of the patent, or by any person carrying on his business or otherwise claiming under him during the continuance of such patent, may, instead of appealing to the general or quarter sessions of the peace or sheriff of the county, apply in writing within five days after such conviction to the justices or sheriff substitute, to state and sign a case for the opinion of one of the superior courts of law thereon, in like manner as under the statute of the twentieth and twenty-first years of her Majesty, chapter forty-three he might have

applied to the justices to state and sign a case, and thereupon all such proceedings shall take place upon and in relation to such application, and all such provisions shall be applicable thereto as would have taken place upon and in relation thereto, and been applicable thereto, under the provisions of the said last-mentioned Act; and in Scotland, for the purposes of such appeal, the justices or sheriff substitute may state and sign a case for the opinion of the Court of Session, in like manner as the justices in England and Ireland may for the opinion of the superior courts of law under the said Act, and the Court of Session shall have in relation thereto the like powers as the superior courts have under the said Act, and all the other provisions of the said Act shall be applicable to such appeals. (d)

(d) This precise object of this provision is not clear. The defence of the seller referred to appears to be, that the patentee of the article sold is responsible, and not the seller; but such a defence seems against the spirit of the 1st section of the Act, and is not in terms made sufficient even with regard to a patent article by the present section, which, in the case of most articles, merely changes the tribunal of appeal.

9. *Procedure in cases under this Act.—Application of monies.* In England the provisions in the Nuisances Removal Act for England, 1855, as to procedure, and the provisions of the Act of the eleventh and twelfth years of the reign of her present Majesty, intitled "An Act to facilitate the performance of the duties of justices of the peace and of session within England and Wales with respect to summary convictions and orders," and in Scotland the ordinary rules regulating the procedure of justices of the peace, so far as the same are respectively applicable, shall extend and apply to cases arising under this Act in England or Scotland; and all monies arising from penalties under this Act in any county, city, district, or borough, where there are analysts appointed under this Act shall, when paid or recovered, be paid in England and Ireland to the vestry, district board, commissioners, county treasurer, or town council for such county, city, district, or borough, respectively, to be applied for the general purposes of such vestry, district board, commissioners, county, city, or borough respectively, and to the collector of rogue money for each county in Scotland.

10. *Proceedings in Ireland as to complaints, &c., to be subject to provisions of 14 & 15 Vict. c. 93, and 21 & 22 Vict. c. 100.* All proceedings under this Act in Ireland as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such complaints, and as to the making and executing of such orders, and as to the applications of fines, amerciaments, and forfeited recognizances imposed or levied under this Act at petty sessions, shall be subject in all respects to the provisions of "The Petty Sessions (Ireland) Act, 1851," as the same is amended by "The Petty Sessions Clerk (Ireland) Act, 1858," (when the case shall be heard in any petty sessions district,) and to the provisions of the Acts relating to the Divisional Police Offices (when the case shall be heard in the police district of Dublin metropolis), so far as the said provisions shall be consistent with any special provisions of this Act; and when any fine or penalty is imposed at any of the Divisional Police Offices of Dublin metropolis, or by the justices in any corporate town, under the provisions of this Act, such fines and penalties shall be paid over to the same purposes and appropriated and applied in the same manner as is now by law authorised in respect of fines and penalties imposed at such Divisional Police Offices, or by the justices in any such corporate town respectively.

11. *Appeal to quarter sessions.* In Ireland any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the order shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the order shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town when the order shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within seven days from the date of any such order, in which case, if the appellant sees fit, the appeal may be made to the next succeeding sessions to be held for such division or town); and it shall be lawful for such court of quarter sessions or recorder, as the case may be, to decide such appeal, if made in such form and manner, and with such notices, as are required by the Petty Sessions Acts respectively herein-

before mentioned as to appeals against orders made by justices at petty sessions; and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal or like order to be made under the provisions of this Act.

12. *As to expenses of executing Act.* The expense of executing this Act shall be borne, in the City of London and the liberties thereof, out of the consolidated rates raised by the commissioners of sewers of the City of London and the liberties thereof, and in the rest of the metropolis out of any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and in counties out of the county rate, and in boroughs out of the borough fund, or out of the rogue money in counties in Scotland.

13. *Indictment or other remedy not affected.* Nothing in this Act contained shall be held to affect the power of proceeding by indictment, or to take away any other remedy against any offender under this Act.

14. *Interpretation of terms.* In the construction of this Act the words "articles of food or drink" shall (if not inconsistent with the context or subject matter) include not only all alimentary substances, whether solids or liquids, but also all eatables or drinkables whatsoever not being medical drugs or articles usually taken or sold as medicines; but this Act shall not be construed so as to affect the ordinary reduction of the strength of foreign, British, or colonial spirits by persons licensed and paying duties under the excise.

CAP. LXXXV.

An Act to amend Two Acts of the Seventeenth and Eighteenth Years, and of the Eighteenth Year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in Scotland.

[6th August, 1860.]

CAP. LXXXVI.

An Act to make Provision respecting the Marriages of British Subjects in the Ionian Islands.

[6th August, 1860.]

CAP. LXXXVII.

An Act to remove Doubts as to the Authority of the Senior Member of the Council of the Governor-General of India in the Absence of the President.

[13th August, 1860.]

CAP. LXXXVIII.

An Act to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India.

[13th August, 1860.]

CAP. LXXXIX.

An Act to extend in certain Cases the Provisions of the Superannuation Act, 1859. [13th August, 1860.]

WHEREAS it is expedient that provision should be made for the grant of superannuation allowances to persons who may have served both in the office of the Secretary of State for India, and likewise in the permanent civil service of the State, within the meaning of section seventeen of the Superannuation Act, 1859: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Superannuation Act, 1859, to extend to cases of joint service in the office of Secretary of State for India, and in the permanent civil service.* Whenever any person shall have been transferred from any situation or employment in the permanent civil service entitling him to superannuation allowance under the Superannuation Act, 1859, to any situation or employment in the office of the Secretary of State for India, entitling him to superannuation allowance under section eighteen of the "Act for the better Government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or whenever any person shall have been transferred from any such last-mentioned to any such first-mentioned situation or employment, such person shall be

entitled to superannuation allowance calculated on his whole service according to the provisions of the Superannuation Act aforesaid, and such allowance shall be paid out of the revenues of India and out of the consolidated fund of the United Kingdom of Great Britain and Ireland, or out of monies voted by Parliament, in such portions respectively as shall have been earned by such person in the respective services aforesaid.

CAP. XC.

An Act to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes. [13th August, 1860.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *After passing of this Act the duties in respect of certificates to kill and deal in game as contained in 52 G. 3, c. 93, sched. (L.), 56 G. 3, c. 56, and 1 & 2 W. 4, c. 32, repealed.* From and after the passing of this Act the respective duties of assessed taxes now payable under the several Acts of Parliament in that behalf in respect of certificates to kill game in Great Britain, and to deal in game in England, and all the provisions, rules, and directions for assessing, charging, and collecting any of the said duties contained in schedule (L.) of the Act passed in the fifty-second year of King George the Third, chapter ninety-three, and also the duties now payable in Ireland under the Act passed in the fifty-sixth year of King George the Third, chapter fifty-six, in respect of every certificate of having registered a deputation as a gamekeeper, and in respect of every certificate to authorise any person, not being a gamekeeper, to kill game in Ireland, and also the nineteenth and twentieth sections of the Act passed in the first and second years of King William the Fourth, chapter thirty-two, shall respectively cease and determine, and the same are hereby repealed, except as to any arrears of the said duties respectively, and as to any penalties incurred before the commencement of this Act.

2. *In lieu of duties repealed, the duties herein-named to be levied.* In lieu of the duties hereby repealed there shall be granted, charged, and paid for and upon the several licences and certificates to take or kill game, and licences to deal in game herein-after mentioned, the respective duties or sums of money herein-after expressed or denoted; (that is to say,)

£ s. d.

For a licence in Great Britain or a certificate in Ireland to be taken out by every person who shall use any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, or landrail, or any conies, or any deer, or shall take or kill by any means whatever or shall assist in any manner in the taking or killing by any means whatever of any game, or any woodcock, snipe, quail, or landrail, or any coney, or any deer:

If such licence or certificate shall be taken out after the fifth day of April and before the first day of November,

To expire on the fifth day of April in the following year 3 0 0

To expire on the thirty-first day of October in the same year in which the licence or certificate shall be taken out 2 0 0

If such licence or certificate shall be taken out on or after the first day of November,

To expire on the fifth day of April following 2 0 0

Provided always, that any person having the right to kill game on any lands in England or Scotland shall be entitled to take out a licence to authorise any servant for whom he shall be chargeable to the duty of assessed taxes as a gamekeeper, to kill game upon the same lands, upon payment of the duty of 2 0 0

And for every licence to deal in game in England, Scotland, or Ireland, to be granted under this Act 2 0 0

3. *Duties granted to be excise duties under the Commissioners of Inland Revenue.* The duties by this Act granted shall be under

the management of the Commissioners of Inland Revenue, and shall be deemed to be excise duties, and all the powers, provisions clauses, regulations, and directions contained in any Act relating to excise duties or to penalties under excise Acts, and now or hereafter in force, shall respectively be of full force and effect with respect to the duties by this Act granted, and to the penalties hereby imposed, so far as the same are or may be applicable, and shall be observed, applied, and enforced for and in the collecting, securing, and recovering of the said duties and penalties hereby granted and imposed respectively, and otherwise in relation thereto, so far as the same shall be consistent with and not superseded by the express provisions of this Act, as fully and effectually as if the same had been herein repeated and specially enacted in this Act with reference to the said last-mentioned duties and penalties respectively.

4. *Licence to be taken out for taking or killing game in Great Britain.—Penalty for neglect.* Every person before he shall in Great Britain take, kill, or pursue, or aid or assist in any manner in the taking, killing, or pursuing by any means whatever, or use any dog, gun, net, or other engine for the purpose of taking, killing, or pursuing any game, or any woodcock, snipe, quail, or landrail, or any coney, or any deer, shall take out a proper licence to kill game under this Act, and pay the duty hereby made payable thereon; and if any person shall do any such Act as hereinbefore mentioned in Great Britain without having duly taken out and having in force such licence as aforesaid, he shall forfeit the sum of twenty pounds.

5. *Exceptions and exemptions.* The following exceptions and exemptions from the duties and provisions of this Act are hereby made and granted; (that is to say,)

Exceptions.

1. The taking of woodcocks and snipes with nets or springes in Great Britain.
2. The taking or destroying of conies in Great Britain by the proprietor of any warren or of any inclosed ground whatever, or by the tenant of lands, either by himself or by his direction or permission.
3. The pursuing and killing of hares respectively by coursing with greyhounds, or by hunting with beagles or other hounds.
4. The pursuing and killing of deer by hunting with hounds.
5. The taking and killing of deer in any enclosed lands by the owner or occupier of such lands, or by his direction or permission.

Exemptions.

1. Any of the royal family.
2. Any person appointed a gamekeeper on behalf of her Majesty by the Commissioners of her Majesty's Woods, Forests, and Land Revenues, under the authority of any Act of Parliament relating to the land revenues of the Crown.
3. Any person aiding or assisting in the taking or killing of any game, or any woodcock, snipe, quail, landrail, or coney, or any deer, in the company or presence and for the use of another person who shall have duly obtained, according to the directions of this Act, and in his own right, a licence to kill game, and who shall by virtue of such licence then and there use his own dog, gun, net, or other engine for the taking or killing of such game, woodcock, snipe, quail, landrail, coney, or deer, and who shall not act therein by virtue of any deputation or appointment.
4. And, as regards the killing of hares only, all persons who, under the provisions of the two several Acts, 11th and 12th Victoria, chapter 29 and chapter 30 respectively, are authorised to kill hares in England and Scotland respectively, without obtaining an annual game certificate.
6. *Nothing herein to alter 11 & 12 Vict. cc. 29 and 30, except that "game certificate" in said Acts, and also in 1 & 2 Will. 4, c. 32, shall be read as "licence to kill game."* Provided always, that nothing herein contained shall extend to repeal, alter, or affect any of the provisions of the said two several Acts of the eleventh and twelfth years of her Majesty, chapter twenty-nine and chapter thirty, further than that the term "game certificate" in the said Acts respectively used shall be construed to mean a licence to kill game under the provisions of this Act, and shall be so read accordingly; and that the term "game certificate" used in the Act of the first and second years of King William the Fourth, chapter thirty-two, shall be construed and read in like manner; and that wherever in the said last-

mentioned Act the duty of three pounds thirteen shillings and sixpence on a game certificate is mentioned the duty of three pounds on a licence to kill game shall be read in lieu.

7. *Licences may be taken out on behalf of assessed servants acting as gamekeepers for persons having right to kill game, or under deputations from lords of manors.* Any person having the right to kill game on any lands in England or Scotland, and being charged or liable to be charged to the assessed tax on servants in respect of any gamekeeper, by whomsoever deputed or appointed, and whether deputed or appointed or not, and any person granting a deputation or appointment in Great Britain to the servant of any other person who shall be duly charged to the assessed tax on servants in respect of such servant, whether as gamekeeper or in any other capacity, with power and authority to take or kill any game, shall respectively be at liberty to take out a licence to kill game on behalf of any such servant, on payment of the duty of two pounds for the year ending on the fifth day of April, and such licence shall exempt the servant named therein during his continuance in the same capacity and service, and on his quitting such service shall also exempt any servant who shall succeed him in the same service and capacity, or who shall succeed to the deputation of the same manor or royalty or lands within the year for which the licence is granted, during the remainder of such year; and no such servant on whose behalf a licence shall have been duly obtained as aforesaid shall be required to obtain a licence for himself, or be liable to any penalty by reason of not obtaining a licence in his own name.

8. *On change of gamekeeper, or revocation of deputation, licence may be continued to successor.* Every such licence to kill game taken out on behalf of any such servant as aforesaid shall, upon the revocation of any such deputation or appointment, or on his quitting the service of the master by whom such licence shall have been taken out, be from thenceforth of no further effect as to the person named therein as such servant, or so deputed or appointed as aforesaid; but if within the year for which such licence was granted the said master, on the quitting of such servant, shall employ another servant as gamekeeper in his stead, or the person by whom such deputation or appointment was made shall on the revocation thereof make a new deputation or appointment to any person in his service, or in the service of the same master by whom such licence shall have been taken out, and who shall have been charged or be chargeable to the said assessed tax on servants as aforesaid, the officer by whom such licence was granted, or the proper officer appointed by the commissioners in that behalf, shall renew such licence for the remainder of that year, on behalf of the fresh servant or the person so newly appointed, as the case may be, without payment of any further duty, by indorsing on such licence the name and place of abode of the said last-mentioned servant, or the person to whom such last-mentioned deputation or appointment shall have been granted, and declaring the same to be a renewed licence free of duty.

9. *Such licences not available for acts done out of limits of manor or lands stated.* Provided always, that no such licence taken out for or on behalf of any person being such servant or acting under a deputation or appointment as aforesaid, shall be available for such person in any suit or prosecution where proof shall be given of his doing or having done any Act for which a licence is required under this Act on land on which his master had not a right to kill game.

10. *Persons doing any act requiring a licence to kill game, to produce the same on demand, or declare their names, places of residence, &c.—Penalty for refusal.* If any person shall be discovered doing any act whatever in Great Britain in respect whereof a licence to kill game is required under this Act, by any officer of inland revenue, or by any lord or gamekeeper of the manor, royalty, or lands wherein such person shall then be, or by any person having duly taken out a proper licence to kill game under this Act, or by the owner, landlord, lessee, or occupier of the land on which such person shall then be, it shall be lawful for such officer, or other person aforesaid to demand and require from the person so acting the production of a licence to kill game issued to him; and the person so acting is hereby required to produce such licence to the person so demanding the production thereof, and to permit him to read the same, and (if he shall think fit) to take a copy thereof or of any part thereof; or in case no such licence shall be produced to the person demanding the same as aforesaid, then it shall be lawful for the person having made such demand to require the person so acting forthwith to declare to him his Christian and surname and place

of residence, and the place at which he shall have taken out such licence; and if such person shall, after such demand made, wilfully refuse to produce and show a licence to kill game issued to him, or in default thereof as aforesaid to give to the person so demanding the same, his Christian and surname and place of residence, and the place at which he shall have taken out such licence, or if he shall produce any false or fictitious licence, or give any false or fictitious name or place, or if he shall refuse to permit any licence which he may produce to be read, or a copy thereof or of any part thereof to be taken, he shall forfeit the sum of twenty pounds.

11. *Licence to be void if party be convicted under 1 & 2 W. 4, c. 32, or 2 & 3 W. 4, c. 68.* If any person, having obtained a licence to kill game under this Act, shall be convicted of any offence under section thirty of the said Act of the first and second years of King William the Fourth, chapter thirty-two, or under the Act of the second and third years of King William the Fourth, chapter sixty-eight, the said licence shall thenceforth be null and void.

12. *Commissioners to publish lists of persons licensed to kill game.* The Commissioners of Inland Revenue shall, when and as they shall see fit, cause lists of the names and residences of the several persons to or for whom licences to kill game have been granted under this Act to be inserted in such newspapers or published in such other manner as to them shall seem proper distinguishing in such lists the persons acting under any deputation, appointment, or authority from others, and the manors, royalties, or lands for which deputations, appointments, or authorities have been granted, and also distinguishing the rate of duty paid for such licences.

13. *Provisions of 1 & 2 W. 4, c. 32, and 2 & 3 Vict. c. 35, relating to licences to deal in game to be in force throughout the United Kingdom.* All the clauses and provisions of the two several Acts passed respectively in the first and second years of King William the Fourth, chapter thirty-two, and the second and third years of her present Majesty, chapter thirty-five, relating to the granting of licences by justices of the peace to deal in game, and to the holding of special sessions by such justices in their respective divisions or districts for the purpose of granting such licences, and also all the clauses, provisions, and penalties contained in the said Acts or either of them relating to dealers in game, and to the selling of game, either by or to such dealers or others, shall, so far as the same are consistent with the express provisions of this Act, and as the same are altered or amended by this Act, extend to and be of full force and effect in and throughout the whole of the United Kingdom, and shall be observed, applied, and enforced as if the same, so altered or amended and made consistent with the express provisions of this Act, had been herein repeated and specially enacted: provided always, that no person shall be authorised to sell game to any licensed dealer unless he shall have taken out a three pound licence under this Act.

14. *Persons licensed by the justices to deal in game, to pay for and obtain a licence under this Act.* Every person who shall have obtained any licence to deal in game from the justices of the peace, under the provisions of the said two several Acts in the preceding clause mentioned, shall annually, and during the continuance of such licence, and before he shall be empowered to deal in game under such licence, obtain a further licence to deal in game under this Act, on payment of the duty hereby charged thereon, and if any person obtaining a licence from the said justices as aforesaid shall purchase or sell or otherwise deal in game before he shall obtain a licence to deal in game under the provisions of this Act, he shall forfeit the sum of twenty pounds.

15. *Licences to deal in game to be granted only to those who have obtained licences from justices.—List of persons licensed to be kept for inspection.* Provided always, that no licence to deal in game shall be granted under the provisions of this Act to any person, except upon the production of a licence for the like purpose duly granted to him by the justices of the peace, as aforesaid, and then in force; and every officer appointed or authorised to grant licences to deal in game under this Act shall in each year make out a list, to be kept in his possession, containing the name and place of abode of every person to whom he shall have granted or issued a licence to deal in game under this Act, and such officer shall at all reasonable hours produce such list to any person making application to inspect the same, and shall be entitled to demand and receive for such inspection the sum of one shilling.

16. *By whom licences shall be granted, and form thereof.—Duration and expiration of licences.* All licences and certificates

to kill game and to deal in game respectively, under the provisions of this Act; shall be in such form as the Commissioners of Inland Revenue shall from time to time provide in that behalf, and shall denote the amount of duty charged thereon respectively, and shall be granted, signed, and issued at the chief office of inland revenue in London, Edinburgh, and Dublin respectively, and by the several supervisors of excise in their respective districts, or by such other officers of inland revenue and at such places as the said commissioners shall think fit to employ and appoint respectively in that behalf; and every such licence shall contain the proper Christian and surname and place of residence of the person to whom the same shall be granted, with any other particulars which the Commissioners of Inland Revenue may direct to be inserted therein, and shall be dated on the day when the same was actually issued, and shall have effect and be in force upon the day of the issuing thereof, and shall expire on the day therein mentioned for the termination thereof.

17. 5 & 6 Vict. c. 81, relating to game certificates in Ireland to continue in force.] All the clauses, powers, provisions, and regulations, pains, and penalties contained in or imposed by the Act passed in the fifth and sixth years of her Majesty's reign, chapter eighty-one, relating to certificates to kill game in Ireland, shall be of full force and effect, and shall be applied in Ireland to the certificates to be granted under this Act and the duties hereby imposed thereon, as fully and effectually as if the same were herein repeated and specially enacted in reference to such last-mentioned certificates and duties.

18. Licences and certificates to be available throughout the United Kingdom.] Every licence and certificate to kill game taken out respectively in Great Britain and Ireland under this Act, by or on behalf of any person in his own right, and not as a gamekeeper or servant, shall be available for the killing of game in any part of the United Kingdom.

19. The 7 & 8 Geo. 4, c. 49 repealed.] The Act passed in the seventh and eighth years of King George the Fourth, chapter forty-nine, intituled "An Act to exempt Persons who have procured Game Certificates in Great Britain from the Duty on Game Certificates in Ireland, and to authorise the Persons who have paid Duty on Game Certificates in Ireland to kill Game in Great Britain, upon paying the additional duty only," shall be and the same is hereby repealed.

CAP. XCII.

An Act for removing Doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the Custody of certain Testamentary Documents.

[13th August, 1860.]

WHEREAS it is expedient to remove certain doubts respecting the Craven scholarships in the University of Oxford, and to enable the university to retain the custody of certain testamentary documents: be it enacted, &c., as follows.

1. Removing doubts as to scholarships founded by will of Lord Craven.] Whereas doubts have arisen whether the scholarships founded by the will of John Lord Craven, and commonly called the Craven scholarships, are included within the words "University or College Emolument" in the Act of the seventeenth and eighteenth years of the reign of her Majesty: be it enacted, that the said Craven scholarships shall be deemed to be university emoluments within the meaning of the said Act, and that all statutes or regulations which heretofore and since the passing of the said Act have been made by the university and approved by her Majesty in council, conformably to the conditions and provisions of the said Act, in relation to the said Craven scholarships, shall have the same force and effect as if the said scholarships had been expressly named and included in the said Act as university emoluments, and in elections to the said scholarships no person shall be entitled to preference by reason of his being of the name or kindred of the founder: provided that nothing herein or in the said Act or in such statutes or regulations contained shall preclude the High Court of Chancery from augmenting from time to time the number of scholars, whenever the increased income of the foundation shall permit.

2. University to retain the custody of certain testamentary documents and transmit an index thereof to Court of Probate.] And whereas by an Act twenty and twenty-first Victoria, chapter seventy-seven, it was enacted that "the acting judge and registrar of every court, and other person now having jurisdiction to grant probate or administration, and every person having

the custody of the documents and papers of or belonging to such court or person, shall, upon receiving a requisition for that purpose, under the seal of the Court of Probate from a registrar, and at the time and in the manner mentioned in such requisition, transmit to the Court of Probate, or to such other place as in such requisition shall be specified, all records, wills, grants, probates, letters of administration, administration bonds, notes of administration, court books, calendars, deeds, processes, acts, proceedings, writs, documents, and every other instrument relating exclusively or principally to matters or causes testamentary, to be deposited and arranged in the registry of each district, or in the principal registry, as the case may require, so as to be easy of reference, under the control and direction of the Court:" and whereas in the case of the Court of the Chancellor of the University of Oxford it has been found inconvenient to separate the testamentary records, instruments, and papers of or belonging to the said court from the other records, instruments, and papers thereof: be it further enacted, that the vice-chancellor of the said university shall, as soon as conveniently may be, cause to be made an index to such of the records and other instruments and papers whatsoever of or belonging to the said court as relate exclusively or principally to matters or causes testamentary, which shall be as accurate as the nature of the said records and other instruments and papers will permit, and shall transmit a copy of such index to the principal registrar of her Majesty's Court of Probate, and such transmission thereof shall be a sufficient compliance with the above-recited enactment of the said Act, so far as regards the Court of the Chancellor of the said university, and it shall thereafter be lawful for the said university, notwithstanding the said Act, to retain the custody of all the records, documents, and papers to which such index shall relate: provided that all the said records, instruments, and papers shall at all convenient times be liable to be inspected and to have extracts or copies taken therefrom by the authority of the principal registrar of her Majesty's Court of Probate, or of the district registrar of the same court at Oxford, on payment of the same fees as would have been payable if such records, instruments, and papers had been deposited in the principal registry, or in the registry of the Oxford district, as the case might have required; such fees to be paid to the same person or persons as would in that event have been entitled to receive the same; and that no officer of the said university, or of the said Court of the Chancellor thereof, shall be entitled to receive any fee from any person inspecting the said records, or taking extracts or copies therefrom by the authority aforesaid.

CAP. XCIII.

An Act to amend the Law relative to the Scottish Herring Fisheries.

[13th August, 1860.]

CAP. XCIII.

An Act to amend and further extend the Acts for the Commutation of Tithes in England and Wales.

[13th August, 1860.]

WHEREAS an Act was passed in the session of Parliament held in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act for the Commutation of Tithes in England and Wales," and the said Act has been amended, and the provisions thereof have been extended, by Acts passed in the sessions of Parliament held in the first year, the first and second years, the second and third years, the third year, the fifth and sixth years, the ninth and tenth years, and the tenth and eleventh years of the reign of her present Majesty: and whereas it is expedient that the said Acts should be amended, and that the provisions thereof should be further extended in manner herein-after mentioned: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows: (a)

(a) One of the reports of the Committee of Inquiry into Public Offices published in the form of an octavo blue book in the year 1854, treats of the "copyhold, enclosure, and tithe commission;" and it is there stated that at that date the tithe rent-charge had been apportioned throughout nearly the whole of the country, though there remained a few cases which, owing chiefly to the supineness of the parties interested, had not been completely disposed of, and would probably remain uncompleted for two or three years. It was suggested, however, that there would always be business connected with commutation of tithes,

for as changes took place in the distribution of property, fresh apportionments of the tithe rentcharge would become necessary. And in truth, the appearance, six years after the date of this prophecy of the present formidable looking Act, seems to indicate that a good deal still remains to be done, before the subject of tithes shall be placed upon an entirely satisfactory footing.

The general design of the Tithe Commutation Act of 1836 was (as our readers are aware) two-fold,—1. to transmute in all cases the payment of tithe in kind into the payment of a sum of money (or rentcharge) charged on the land in respect of which tithe is claimable; and, 2. to make the amount of this sum vary in proportion to the yield of the year, so as to ensure that both the tithe-payer and the tithe-owner should alike gain by plenty and suffer by scarcity. This alteration of the law was accordingly carried into effect by 6 & 7 W. 4, c. 71 (amended by several subsequent Acts) which provides that the amount of the total rentcharge for the parish, and consequently of the payments by each tithe-payer to make up his quota of the same, shall fluctuate according to the price of corn in the following way. Immediately after the passing of that Act there was to be inserted in the *Gazette* and repeated yearly in January, an advertisement stating the average price of wheat, barley, and oats for the seven years immediately preceding each advertisement. And every rentcharge for the current year is to be deemed of the value of so many bushels of equal quantities of these three species of grain as the money expended by such rentcharge could have bought according to the advertisement of the preceding year.

1. *Corn rents under local Acts may be converted into tithe rentcharge.* Where corn rents are payable by virtue of any local Act of Parliament, in commutation of the whole or part of the tithes of any parish, and such corn rents shall be subject to variation at certain periods under the provisions of the same Act, the commissioners, upon the application in writing of the owners of lands liable to the payment of the major part in value of such corn rents, or of the persons to whom a major part in value of such rents are payable, at any time at which the said corn rents might be subjected to variation under such local Act, or at any other time, upon the joint application in writing of the owners of lands liable to the payment of the major part in value of such corn rents, and of the persons to whom a major part in value of such rents are payable, may by an award under their hands and seal convert the same into a rentcharge, to be thenceforth and for ever thereafter payable, in like manner and subject to the like incidents as rentcharges awarded under the said recited Acts are payable and subject to: provided always, that nothing in this Act contained shall be construed to render any such rentcharge liable to parochial or other rates or taxes from which the corn rents in respect of which such rentcharge shall have been awarded were free and exempt.

2. *County or towns from whose returns average to be calculated.* Wherever the local Act provides that the average prices upon which any corn rents shall be varied shall be taken from any county or from towns from which corn returns are made, the commissioners shall calculate the rentcharge to be awarded by them in lieu of such corn rents upon the returns for such county or such towns; and where no corn returns are made from the towns so named, the commissioners shall select two towns in the same or any adjoining county from which there are returns, and give notice thereof in such manner as to them shall seem fit, and shall appoint a time (being not less than twenty-one days from the date of the notice) within which objections to such selection may be signified in writing to the commissioners by any person interested, and if there be any such objections the commissioners shall consider the same, and shall either confirm the selection, or select some other towns, as they may think fit.

3. *How average to be calculated.* The commissioners shall calculate the rentcharge to be awarded in lieu of any such corn rents upon the average prices for the number of years next preceding the date of the application to them, which shall be provided by such local Act as the basis of variation, having due regard to the average prices upon which such corn rents were

ascertained, and such calculation, where practicable, shall be made with reference to the particular grain mentioned in the local Act under which such corn rents are payable, or if there shall be no returns of such grain, upon the average prices of wheat, barley, and oats.

4. *Commissioners to apportion rentcharge.* The commissioners shall apportion the rentcharge to be awarded by them in lieu of corn rents upon and among the lands heretofore subject to such rents, either by a general schedule or a schedule in detail of the same lands, to be annexed to and form part of their award, and with or without a map of the same lands or any part thereof, but the commissioners shall not require a map unless the same shall in their opinion be rendered necessary for the identification of any such lands; and the commissioners shall deposit a draft of such award for inspection in the same manner as by the said recited Acts is required in reference to an instrument of apportionment, and shall cause notice of such deposit to be given in such manner as to them shall seem fit, and shall by such notice specify the time (being not less than twenty-one days) within which objections in writing to such proposed award may be signified to the commissioners; and in case any notice of objection shall be given within the time limited as aforesaid, the commissioners shall appoint a time and place for hearing such objections, and shall by themselves or by an assistant commissioner take such objections into their consideration; and if there be no notice of objections, or when the said commissioners or assistant commissioner shall have heard and determined all such objections, the commissioners shall confirm such award, with or without amendments, as they shall see fit; and such award shall thenceforth be binding and conclusive on all persons whomsoever, subject to the provision herein-after contained, and shall be conclusive evidence on every matter in the said award set forth and contained.

5. *Power of appeal to a court of law.* Any person dissatisfied with the said award, and who shall be desirous of appealing against the same, shall have the same power of appeal as is given by the said first-recited Act in the case of a decision given under the forty-fifth section of such Act, notwithstanding that the yearly payment in dispute shall be less than twenty pounds; and the Court is hereby empowered to amend such award, or to remit the same to the commissioners to be amended by them in such manner as the said Court shall direct, and the commissioners shall thereupon amend the same, in conformity to such direction, and the award so amended shall be binding and conclusive on all persons whomsoever.

6. *Comptroller of corn returns to furnish information.* The commissioners shall have access to the books of the comptroller of corn returns for the time being, and shall be furnished by him with such information as they may require for the purposes of any award of rentcharge in lieu of corn rents.

7. *Commissioners to have same powers as in tithe commutations.—As to expenses of awards, &c.* In making any such award, and any inquiries incident thereto, the commissioners shall have the same powers as to the attendance and examination of witnesses, the production of documents, and all other matters, as are given by the said recited Acts in matters relating to the commutation of tithes; and all expenses of or incident to any such award or any part thereof shall be borne and paid by and amongst the owners of lands heretofore liable to such corn rents, and the persons to whom the same were payable respectively, in such proportion and manner as the commissioners shall direct, and be recoverable in like manner as expenses under the said recited Acts are recoverable.

8. *Copies of award to be deposited, &c.* The commissioners shall cause to be made two copies of every such award of rentcharge in lieu of corn rents, which copies shall be sealed by them and be deposited in like manner and subject to all the like incidents as provided by the said recited Acts in reference to the sealed copies of an instrument of apportionment.

9. *As to recovery of rent-charges awarded in lieu of corn rents.* The payment of any rent-charge awarded in lieu of corn rents which shall be in arrear may be enforced by the same ways and means as payment of rent-charge in arrear may be enforced under the provisions of the said recited Acts, or may be enforced, at the option of the person to whom the same rent-charge is payable, by the same ways and means as are provided by the local Act for the recovery of the corn rents in lieu of which such rent-charge shall have been awarded. (b)

(b) The nine preceding sections dispose of the first object of the present Act, which is to bring within the system of rent-

charges established by 6 & 7 Will. 4, c. 71, a variety of districts hitherto not participating in the advantages of that system by reason of their tithes having been previously commuted by local Acts of Parliament into variable *corn-rents*. Since the 13 Eliz. c. 10 (a statute, among other things, restricting the powers of title-owners), the only way in which composition for tithes could be made permanently binding was by Act of Parliament, and accordingly in many enclosure and private Acts there is either an allotment of tithes or a corn-rent settled in lieu of tithes. (See *Shelford's Real Property Statutes*, p. 31.)

It will be observed that by sect. 1 a corn-rent changed into a rentcharge is not by reason merely of such change made liable to parochial or other rates and taxes. But corn-rents substituted for tithes are in general so liable (see *Rex v. Nocholds*, 3 Nev. & M. 334; *Rex v. Boldero*, 4 B. & Cr. 467), though where an Act directed that all the tithes of a certain parish should be vested in A., and that all his lands should be charged with an annuity payable to the vicar in lieu of all vicarial dues, it was held that the vicar was not rateable in respect of such annuity, as the small tithes he had been accustomed to receive were not expressly extinguished by the Act (*Rex v. Great Hambleton*, 1 A. & Ell. 143).

It is also noticeable that for an ordinary tithe rent-charge no person is personally liable—the remedy being *in rem*, not *in personam* (see 6 & 7 Will. 4, c. 71, s. 67). But by sect. 9 a corn-rent changed into a rent-charge may be enforced either by distress or as it might have been had it remained a corn-rent, which, by the particular Act of Parliament may happen to have been by action or other personal remedy.

10. *Where consents not given draft of proposed altered apportionment to be deposited for inspection.*—[In case of objection commissioners to appoint a time for hearing the same.] In any case of altered apportionment in which the consent of the whole of the landowners interested in such alteration shall not be signified thereto, the commissioners shall, in lieu of the service of notice required by the said Acts, cause a draft of the proposed altered apportionment to be deposited for inspection, in the same manner as by the said first-recited Act is required in reference to an instrument of apportionment, and shall cause notice to be given of such deposit in such manner as to them shall seem fit, and shall by such notice specify the time (being not less than twenty-one days) within which objections in writing to such proposed altered apportionment may be signified to the commissioners; and in case any notice of objection shall be given within the time limited as aforesaid, the commissioners shall appoint a time and place for hearing such objection, and shall, by themselves or by an assistant commissioner, take such objection into their consideration; and if there be no notice of objection, or when the said commissioners or assistant commissioner shall have heard and determined every such objection, the commissioners shall confirm such altered apportionment, with or without amendments, as they shall see fit.

11. *Rent-charge may be re-apportioned and redistributed on the same or on other lands.* With the consent of the owner or owners of any lands charged with rentcharge under any instrument of apportionment, whether payable to one or more owners of rent-charge, and without regard to the mode in which the same rent-charge is apportioned by the said instrument, the commissioners may by an altered apportionment re-apportion and redistribute the same rentcharge over and amongst the said lands or any part thereof, and to the exclusion of any of such lands, but no rentcharge shall be charged upon any land to the exclusion of other land of the same owner, unless the land so charged with rentcharge is held for an estate in fee simple or fee tail in possession, or unless the same and the land so excluded are settled to the same uses.

12. *Where fences removed rentcharge may be apportioned on land tithe-free jointly with other land.* Where, through the removal or alteration of fences between land charged with rentcharge under any instrument of apportionment and land upon which no rent-charge is now charged, or which is tithe-free, it becomes impossible or difficult to distinguish the limits of the land so charged with rent-charge, the commissioners may, with the consent of the owner of the said lands, include the whole of such lands in any instrument of altered apportionment to be

made by the said commissioners, and may apportion the rent-charge as well on the said land not heretofore charged as on the said land heretofore liable to the payment thereof, or on any part thereof, provided that the whole of the lands on which such rent-charge is apportioned are held for an estate in fee simple or fee tail in possession, or are settled to the same uses.

13. *Land not to be charged to a different owner than before, without consent.* No land shall be charged with rentcharge payable to a different owner than the rentcharge previously charged thereon was payable to, without the consent in writing of the owner of the rentcharge so proposed to be charged, except in cases of altered apportionment after inclosure.

14. *Where consent of landowner not required.* It shall not be necessary to obtain the consent of any landowner to an altered apportionment whose lands are not charged with rent-charge by such altered apportionment.

15. *Power to commissioners to alter apportionment, where successive alterations have made it inconvenient or difficult, but not to alter amount, &c.* Whenever it shall appear to the commissioners that any instrument of apportionment shall have been altered by successive instruments of altered apportionment, so as in the judgment of the commissioners to render the collection of the rentcharge upon the lands included in such apportionment and altered apportionments unreasonably inconvenient or difficult, the commissioners may upon the application of the person or persons entitled to such rentcharge or any part thereof, and without notice to or the consent of any owner of such lands, make a further instrument of altered apportionment as regards the whole of the said lands, or such portions thereof as to them shall seem fit, but without making any alteration in the amount charged on the lands of any particular owner, and the altered apportionment so made by the commissioners shall be taken to be an amendment of and in substitution for so much of the said original apportionment and altered apportionments as relates to the lands included in the said lastly made altered apportionment.

16. *Power to commissioners to alter apportionment where boundaries of parishes have been altered.* Whenever any new boundaries of parishes shall have been or shall be set out upon any inclosure or otherwise, and it shall appear to the commissioners that the apportionment of the rentcharge in such parishes is thereby rendered inconvenient, the commissioners may make and confirm an altered instrument of apportionment adapted to the altered distribution of the lands in such parishes or any of them, and to the new boundaries which shall have been so set out or otherwise, the commissioners may, by an order under their hands and seal, declare the lands which shall be affected by such alteration of boundaries, either with or without any other lands comprised in such inclosure, and whether such lands are situate in one or more parishes, to be a separate district for the purposes herein-after mentioned, and may make and confirm an altered instrument of apportionment adapted to the altered distribution of such lands, with reference to the owners both of the lands and rentcharge in such district, and the commissioners may determine that the amount of rentcharge payable to each of the owners of rentcharge in such district shall be fixed and apportioned upon such particular lands as to them shall seem convenient, so that no lands are charged with more than their due proportion of rentcharge; and every such determination shall be binding and conclusive, and such altered apportionment, when confirmed, shall be annexed to the original apportionment for that parish from which the greatest amount of rentcharge is payable under the altered apportionment, and counterparts thereof shall be annexed to the original apportionment for each of the other parishes comprised in such district, and copies thereof shall be deposited in respect of each several parish comprised in the district, in conformity with the provisions of the said recited Acts.

17. *Powers for altering apportionments or awards.* All the powers given by the said recited Acts or by this Act in relation to the alteration of instruments of apportionment shall extend to all altered apportionments and to awards of rentcharge in lieu of corn rents, and to awards under local Acts by which any rentcharge is awarded in lieu of tithes, glebe or commonable or other rights or easements. (c)

(c) As to the previous provisions with respect to altering apportionments, see 6 & 7 W. 4, c. 71, s. 72; 3 & 4 Vict. c. 15 ss. 26, 27; 5 & 6 Vict. c. 54, ss. 14, 15; 9 & 10 Vict. c. 73, ss. 13, 14; 10 & 11 Vict. c. 104, s. 3.

18. *Tithes commuted for a sum or rate per head may be converted into a rentcharge.*] In any case in which tithes have been commuted for a sum or rate per head to be paid for each head of cattle or stock turned on land subject to common rights or held or enjoyed in common, during the whole of the year, the commissioners may, upon the application in writing of any person entitled to receive such sum or rate per head, or of any person who may be liable to pay the same or any part thereof, by a supplemental award and apportionment, by way of supplement to the apportionment under which such rate per head shall be now payable, convert the same into a gross rentcharge, to be thereafter payable out of such land.

19. *Gross rentcharge may be apportioned on gated or stinted pastures.*] Where a gross rentcharge has been made payable in respect of the tithes of any gated or stinted pasture, and such gates or stints are rated to the relief of the poor, the commissioners may, by the instrument of apportionment to be made of such rentcharge, or by a supplemental award and apportionment, where an apportionment shall have been already made, upon the application in writing of the person entitled to such rentcharge, or of any owner of a gate or stint, apportion such gross rentcharge *pro rata* upon the gates or stints, and after such apportionment or supplemental award and apportionment the owner of such rentcharge shall have the same powers for the recovery of any arrears thereof, by distress on the goods and chattels of the person rated to the relief of the poor in respect of the gates or stints the rentcharge upon which is in arrear, as are given by the said recited Acts for the recovery of rentcharge in arrear, and such powers of distress may be exercised upon the goods and chattels of such person, whether found upon the said pasture or elsewhere.

20. *Rentcharge on commons may be commuted for a part of the land or redeemed.*] In every other case in which a gross rentcharge is charged upon any land subject to common rights, or held or enjoyed in common during the whole of the year, the commissioners shall, upon the application in writing of the person entitled to such rentcharge, or of any person liable to pay the same or any part thereof, convene a meeting of the owners of such land and persons liable to pay such rentcharge, of which twenty-one days notice shall be given in such manner as to the commissioners shall seem fit; and the majority in value of the persons attending such meeting may determine whether such rentcharge shall be commuted for an equivalent part of the land on which it is chargeable, or be redeemed for a sum equal to twenty-five times the amount of such rentcharge, to be paid by a time to be limited by the commissioners, and may further determine, if the rentcharge is to be redeemed, whether the redemption money shall be raised by rate on the persons liable to such rentcharge, or by sale of a portion of such land: provided always, that if no determination be come to at such meeting, the commissioners may proceed to commute the rentcharge for land as herein-after provided.

21. *If rentcharge is commuted for land, commissioners to set out land and to vest same in owner.*] If the rentcharge is to be commuted for land, the commissioners shall define and set out the land to be so given, and shall vest the same in the owner of the rentcharge by an award, to be made by them in like manner as awards of exchange of glebe for other land are made under the said recited Acts, and subject to all the like incidents.

22. *Commissioners to set out land to be sold for purposes of redemption.*] If the rentcharge is to be redeemed for a sum to be raised by the sale of a portion of the land liable to such rentcharge, the commissioners may define and set out such part of the land as may be sufficient in value to meet the redemption money and the expenses of sale, and may sell and dispose of the same by public auction or private contract, as they may think expedient.

23. *Conveyance of land sold to be executed by commissioners.*] Upon every such sale the commissioners shall sign and deliver to each purchaser a receipt for his purchase money, which shall be a sufficient discharge for the same, and upon receipt of the whole purchase money for any of the lands which shall be sold as aforesaid the commissioners shall convey such lands and the fee simple and inheritance thereof in possession by conveyance under their hands and seal to such uses and in such manner as such purchasers shall direct, and after such conveyance the premises conveyed shall be freehold of inheritance, and shall be held to the uses and in manner expressed in such conveyance; and any such conveyance may be to the effect set forth in the schedule to this Act, and shall be evidence of the regularity of the sale in pursuance of which such conveyance shall be made.

24. *Where rate per head is in arrear, the same may be re-*

covered by distress.] Wherever a sum or rate per head shall be in arrear, the arrears shall be recoverable by distress and impounding of any cattle, stock, goods, or chattels belonging to the person in respect of whose cattle or stock such sum or rate per head is in arrear, wherever the same may be found.

25. *Upon inclosure, rate per head may be converted into rentcharge.*] Where any lands in respect to the cattle or stock upon which any sum or rate per head shall be payable, shall be inclosed, divided, allotted, or exchanged, under the powers of any general or local Act of inclosure or otherwise, the commissioners may, by the altered apportionment which may be made by them, adapted to the altered distribution of the said lands, charge a rentcharge equivalent to the amount of the sum or rate per head which shall have been previously payable, upon the lands which shall have been allotted under the said inclosure in lieu of the rights in respect of which the said sum or rate per head was made payable, which rentcharge shall be thereafter payable out of the same lands, in such manner and proportion as the said altered apportionment shall direct.

26. *Power to commissioners to order maps to be detached from instruments of apportionments.*] Where, by reason of the size of the map annexed to any instrument of apportionment or other circumstances, the commissioners shall be of opinion that it is expedient that such map should be detached and held separate from the said instrument, the commissioners may, by an order under their hands, direct that the said map shall be so detached, and they may make the like order upon the application of the incumbent and churchwardens of any parish, or either of them, or the registrar of any diocese, in reference to the sealed copy of any instrument of apportionment belonging to any such parish, or held in the custody of such registrar, and thereupon every map so detached shall have the same force and effect and be referred to as if the same were annexed to the said apportionment, or the sealed copies thereof.

27. *Provision for restoration of damaged instrument of apportionment.*] In any case in which an instrument of apportionment or any part thereof shall have been damaged or defaced, the commissioners may by an order under their hands require the sealed copy thereof which shall be deposited in the parish or registry of the diocese to be delivered up to them, for a time to be limited by such order, for the purpose of enabling them to restore such portions of the said instrument as shall have been so damaged or defaced, or of making an entire copy of the said instrument, which instrument so restored, or entire copy so made by them, being certified under their hands and seal, shall be of the same force and have the same effect as the said confirmed instrument of apportionment.

28. *Justices may order an instrument of apportionment to be restored to proper custody.*] Whenever any person, other than the persons legally entitled to the possession of the same, shall have possession of the sealed copy of any confirmed instrument of apportionment, it shall be lawful for any two justices of the peace for the county or other jurisdiction within which the lands mentioned in the said apportionment are situate, upon the application of any person interested in the lands or rentcharge, and upon fourteen days notice in writing of such application to the person or persons in whose custody such copy shall be at the time of such application, to hear and determine such application; and upon hearing such application the said justices may order such copy to be removed from the custody of the person holding the same, and to be deposited in such other custody as the said justices, having reference to the security and due preservation of such copy, and to the convenience of the parties interested therein, may think fit, and may impose a fine, not exceeding twenty shillings, for each day that any such copy shall be retained, contrary to the terms of such order, upon the person so retaining it, and may make such further order concerning the notice to be given of such removal and deposit, and concerning the costs of such application and the said fine, or of any opposition thereto, as they may think reasonable.

29. *Expenses of recovering rentcharge.*] If a rentcharge shall at any time be in arrear and unpaid, and in order to enforce payment thereof it shall become necessary for the person entitled to the same to give notice of his intention to distrain upon the lands liable to the payment thereof for the arrears of the said rentcharge, according to the provisions of the said recited Acts, the owner of the rentcharge shall in all cases be entitled to two shillings and sixpence for and in respect of each notice which shall have been so issued, and such sum shall be deemed and taken to be part of the rentcharge which is in arrear and unpaid, and shall be recoverable accordingly, in like manner as the said arrears of rentcharge are recoverable. (4)

(d) As to the manner of enforcing the payment of a tithe rentcharge, see 6 & 7 Will. 4, c. 71, ss. 67, 81; *Griffiths v. Dabuz*, 4 Eil. & B. 230. See also, as to the costs of the distress, *Newham v. Bever*, 8 C. B. 560.

30. *Notice of intention to distrain may be sent by post.* Notice of intention to distrain may be given in the manner provided by the said recited Acts, or by sending it by the post in a registered letter to the office or usual place of abode of the person to whom the same is addressed.

31. *Commissioners may order a rentcharge not exceeding £15 to be redeemed before apportionment.* Where, under any agreement or award which has been or hereafter shall be confirmed by the commissioners, the amount of the rentcharge agreed or awarded to be paid instead of the tithes of any parish, and which shall not have been apportioned, shall not exceed the sum of fifteen pounds, the commissioners may, if they shall see fit (and without the consents of the owner or owners of the lands chargeable with the said rentcharge, or of the person or persons for the time being entitled to the receipt thereof,) by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by the owners of the lands chargeable therewith, within such time as the commissioners shall by such order direct and appoint, of a sum equal to twenty-five times the amount of such rentcharge.

32. *Where land divided, commissioners may order rentcharge to be redeemed after apportionment.* Whenever lands charged with rentcharge under any instrument of apportionment or altered apportionment shall be divided for building or other purposes into numerous plots, and it shall appear to the commissioners that no further apportionment of the said rentcharge can conveniently be made, the commissioners may, if they shall see fit, upon the application of any one owner of the said lands, and without the consent of any other owner, or of the person for the time being entitled to the receipt of the said rentcharge, and without limitation as to the amount thereof, by an order under their hands and seal direct that such rentcharge shall be redeemed by the payment by the owners of the lands chargeable therewith, within such time as the commissioners shall by such order direct and appoint, of a sum equal to twenty-five times the amount of such rentcharge.

33. *Provision in cases where rentcharge has been charged on lands which in consequence of error in boundary are not within the parish where aggregate charge is awarded.* Whenever it shall be shown to the satisfaction of the commissioners that by reason of error as to boundary or otherwise any rentcharge or portion of rentcharge shall have been charged by any confirmed instrument of apportionment on lands not within the parish in respect of the tithes of which the aggregate rentcharge, the apportionment of which shall have been so confirmed, was agreed or awarded to be paid, the commissioners may, if they shall see fit, upon the application of the owner or owners of the said lands, and without the consent of any owner of land in the said parish, or of the person for the time being entitled to the receipt of the said rentcharge, by an order under their hands and seal, direct that such rentcharge or portion of rentcharge so charged on lands not within the parish shall be redeemed by the payment by the owners of lands charged with the residue of the said rentcharge by the said apportionment, or any of them, within such time as the said commissioners shall by such order direct and appoint, of a sum equal to twenty-five times the amount of such rentcharge; and if there shall be any question touching the situation or boundary of the lands which shall be alleged to have been erroneously included in the said apportionment, the commissioners shall have the same powers for hearing and determining the same as are given by the said first-recited Act for hearing and determining any difference whereby the making of an award of rentcharge in lieu of tithes is hindered.

34. *Rentcharge where land made chargeable for more than one parish.* Where any land has been made chargeable with rentcharges in lieu of tithes for more than one parish, the commissioners, on being satisfied thereof, may determine in respect of which parish the rentcharge ought to have been charged, and may, by order, direct such rentcharge to be paid in respect of such parish only.

35. *Commissioners shall give notice of their intention to order compulsory redemption.* Before the commissioners shall order the compulsory redemption of any rentcharge, they shall cause notice to be given of their intention in such manner as to them

shall seem fit, and shall by such notice specify the time (being not less than twenty-one days) within which objections in writing to such proposed order may be signified to them; and in case any notice of objections shall be given within the time limited as aforesaid, the commissioners shall, by themselves or an assistant commissioner, take such objections into their consideration.

36. *If person refuse to receive redemption money, to be dealt with as if under disability.* If the person absolutely entitled to the redemption money refuses to receive the same, or if the rentcharge be subject to incumbrances, and the commissioners shall consider that the incumbrancers should be protected, such redemption money shall be dealt with as is provided in cases where the owner of the rentcharge is only entitled thereto for a limited estate.

37. *Trustees may be appointed to receive sums not exceeding £200 payable to corporation.* Where the money to be paid for the redemption of any rentcharge does not exceed two hundred pounds, and the person for the time being entitled to such rentcharge shall be a corporation not authorised to make an absolute sale of such rentcharge otherwise than under the provisions of the said recited Acts, the redemption money may be paid into the hands of trustees to be nominated by the commissioners, by order under their hands and seal, and the money when so paid shall be applied by the trustees, with the consent of the commissioners, to the purposes to which money to be paid for the redemption of any rentcharge into the Bank of England in the name of the Accountant-General is by the said recited Acts to be applied, and upon every vacancy in the office of such trustees some other person shall be appointed by the said commissioners in like manner.

38. *Provisions of recited Acts applicable to redemptions under this Act.* The provisions of the said recited Acts respecting the redemption of rentcharge (except as otherwise by this Act is provided) shall be applicable to all cases of redemption of rentcharge effected under this Act. (e)

(e) The previous provisions with respect to redeeming rentcharges will be found in 9 & 10 Vict. c. 73. They did not make redemption compulsory (as the present Act does); and, moreover, the only cases in which it was allowed were when the whole amount of an unapportioned parochial rentcharge did not exceed £15, or where the whole amount of the quota of any particular land owner did not exceed £1. The consideration for the redemption of any rentcharge payable to a spiritual person in respect of his benefice or cure is, by sect. 9, of that Act, payable to the "Governors of Queen Anne's Bounty," for the augmentation of the maintenance of the poor clergy. It would seem that the monies arising from compulsory redemptions under the present Act is, in such cases, intended to be applied in the same manner.

39. *Expenses and redemption money, how to be raised.* For the purposes of making any altered apportionment, supplemental award and apportionment, or award of rentcharge in lieu of corn rents, or for the purpose of collecting any redemption money which may have been fixed as herein-before provided, and not paid by the time in that behalf limited, and of assessing the same redemption money, and all expenses of or incidental to any such altered apportionment, supplemental award and apportionment, or award, or of any such redemption (including, if the commissioners shall see fit, the expense of the assistant commissioner's attendance at any meetings which may be necessary in the matter of any such altered apportionment, supplemental award and apportionment, or award, or of any such redemption,) between the owners of the lands liable to the rentcharge to be re-apportioned or redeemed, or to the rentcharge awarded in lieu of corn rents, or persons to whom the said corn rents were payable, the commissioners or an assistant commissioner may employ such land surveyors and tithe valuers or other persons as to them shall seem fit, and all the powers and provisions of the said recited Acts concerning the valuers appointed for the purposes of an original apportionment of rentcharge, and concerning the assessment and recovery of the expenses of an original award of rentcharge or apportionment, so far as in the discretion of the commissioners shall seem fit, shall be, and the same are hereby made applicable to the land surveyors, tithe valuers, or other persons so employed, and to the assessment, collection, and recovery of any such redemption money,

and of all expenses incidental to any such altered apportionment, supplemental award and apportionment, or award, or to any such redemption; but the commissioners shall, before they proceed to collect any such redemption money or expenses, cause a schedule showing the total amount thereof, and the share thereof to be borne by each person interested, to be deposited for inspection, in the same manner as by the said recited Acts is required in reference to an instrument of apportionment, and shall cause notice to be given of such deposit in such manner as to them shall seem fit, and shall by such notice specify the time (being not less than twenty-one days) within which objections in writing to such proposed apportionment of the redemption money and expenses may be signified to the commissioners; and in case any notice of objections shall be given within the time limited as aforesaid, the commissioners shall, by themselves or by an assistant commissioner, take such objections into their consideration; and if there be no such objections, or when the said commissioners or assistant commissioner shall have heard and determined all such objections, the commissioners shall proceed to collect the said redemption money and expenses as herein-before provided.

40. *Informal arrangements may be confirmed.*] Whenever land or money payments, or both, have been given to the tithe-owners of any parish, and are now holden by them, instead of tithes or glebe or commonable or other rights or easements, and it shall appear that such land or money payments, or both, shall have been so given by virtue of any Act of Parliament the provisions of which have not been fully carried out, or by virtue of any arrangement which is not of legal validity, the commissioners may, if it shall appear just and expedient, having regard to all the circumstances of or incident to the case, by an award confirm the titheowner in possession of the said land or money, or both, and may confirm and render valid any such arrangement, and may also award a rentcharge, subject to the provisions of the said recited Acts, when and in such cases as to them shall seem fit; and, subject to such confirmation and award, the commissioners may extinguish the right of the titheowners to the perception of the said tithes, or his title to the said glebe rights or easements, or to the receipt of any rentcharge instead thereof, other than the rentcharge, if any, awarded over and above the lands or money, or both, so confirmed to them.

41. *Copyhold and other lands may be exchanged for glebe.*] So much of the said recited Acts as provides that the land given to any spiritual person in exchange for glebe of any benefice shall be free from incumbrances, and shall not be of copyhold or customary tenure, subject to arbitrary fine or the render of heriots, shall be repealed, and all conditions, charges, incumbrances, and every other incident affecting the land so given shall upon such an exchange be transferred to the said glebe taken in exchange for the same land; and the glebe land taken in exchange for any copyhold or customary land shall be held of the lord of the same manor, under the same rent, custom, and services as the said copyhold or customary land previously was or ought to have been held, and without any new admittance in respect thereof, but the consent of the lord of the same manor shall be necessary to any exchange in which any land of copyhold or customary tenure shall be included. (f)

(f) The provision here referred to appears to be 5 & 6 Vict. c. 54, s. 3. *Sed quare.*

42. *Formation of district within which extraordinary charge in respect of hop grounds and market gardens shall be payable.*] Whenever the commissioners are requested in the manner provided by the said recited Acts to charge an additional rentcharge by way of extraordinary charge upon any hop grounds or market gardens newly cultivated as such beyond the limits of any district for which an extraordinary charge for hop grounds or market gardens respectively shall have been already distinguished, the commissioners may declare the lands in the parish in which such newly cultivated hop grounds or market gardens are situate a district within which the extraordinary charge to be then fixed by them shall be thereafter payable. (g)

(g) See 2 & 3 Vict. c. 62, ss. 26—32; and 3 & 4 Vict. c. 15, s. 18.

43. *Power to enter on land.*] For the purpose of ascertaining the extent of the land cultivated as hop grounds or market gardens, the person to whom any extraordinary charge upon such land is or would be payable, his agents or servants, at all

reasonable times, may enter upon the said land, and make an admeasurement and plan of the same, without being subject to any action or molestation for so doing.

44. *Recited Acts and this to be as one.*] This Act shall be taken and construed as part of the said first-recited Act, as amended and extended by the several Acts passed for the amendment thereof, and by this Act.

The SCHEDULE to which this Act refers.

FORM OF CONVEYANCE BY COMMISSIONERS.

In the matter of
We, the Tithe Commissioners for England and Wales, by virtue of an Act of Parliament passed in the year of the reign of Queen Victoria, intituled [here insert the title of this Act], and in consideration of the sum of _____ paid into our hands by _____ being the purchase-money of the hereditaments herein-after described, do by these presents convey unto _____ his heirs and assigns, do that [here describe the premises], with the appurtenances, to hold the same unto the said _____ his heirs and assigns [here state the uses, trusts, or purposes of the conveyance, as the case may require].
In witness whereof we have hereunto set our hands and affixed our seal, this _____ day of _____

CAP. XCIV.

An Act to amend the Laws relating to the Militia.

[13th August, 1860]

CAP. XCV.

An Act to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans, by the Proprietors of entailed Estates in Scotland.

[13th August, 1860.]

CAP. XCVI.

An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force.

[13th August, 1860]

CAP. XCVII.

An Act for amending and making perpetual the Railways Act, Ireland (1851).

[13th August, 1860.]

CAP. XCVIII.

An Act for taking the Census in Scotland.

[20th August, 1860.]

CAP. XCIX.

An Act to continue the Corrupt Practices Prevention Act (1854) till August, 1861.

[20th August, 1860.]

CAP. C.

An Act to repeal so much of the Act of the Twenty-second and Twenty-third Victoria, chapter Twenty-seven, and of certain other Acts, as authorises the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of her Majesty.

[20th August, 1860.]

CAP. CI.

An Act to continue the Poor Law Board.

[20th August, 1860.]

WHEREAS by the Act of the eleventh year of the reign of her Majesty, chapter one hundred and nine, provisions were made for the constitution and appointment of commissioners for administering the laws for the relief of the poor in England, and for the appointment of other officers, which provisions have been continued until the end of the present session of Parliament, and it is expedient that such provision should be further continued for a limited period: be it therefore enacted, &c., as follows:—

The Poor Law Board to be continued for three years.] That the commissioners appointed by her Majesty the Queen, or to be appointed by her Majesty, her heirs and successors, under the authority of the said Act, together with every person by the said Act constituted in virtue of his office such commissioner, and every officer and person ap-

pointed or to be appointed by the commissioners under the said Act, shall be empowered, unless he shall previously resign or be removed, to hold his office and exercise the powers thereof until the twenty-third day of July one thousand eight hundred and sixty-three, and until the expiration of the said last-mentioned period it shall be lawful for her Majesty, her heirs and successors, from time to time, at pleasure to remove the commissioners for the time being appointed by her Majesty, or to be appointed by her Majesty, her heirs and successors, and upon every vacancy in the office of such commissioner to appoint, as in the said Act is described, some other fit person to the said office.

CAP. CII.

An Act to provide for the Management of East India Stock, and of the Debts and Obligations of the Government of India, at and by the Bank of England.

[20th August, 1860.

WHEREAS under their charter the East India Company are directed to cause an accountant to keep a book or books in the public office or place of meeting of the same company, and therein to enter the amount of the capital stock of the same company; and it is by the charter directed that the method of making assignments and transfers of the said stock shall be by an entry in the said book or books or forms prescribed by the said charter, and that the entry signed as therein prescribed, and no other way or method, shall be the manner and method used in the passing, assigning, or transferring the interest or share in the said stock and fund: and whereas by the Act of the third and fourth William the Fourth, chapter eighty-five, it is enacted, that out of the revenues of the British territories in India there shall be paid to or retained by the said company a yearly dividend of ten pounds ten shillings per centum on the capital stock of the said company: and whereas it is expedient to empower the directors of the said company to make arrangements with the Governor and Company of the Bank of England for the management of the said capital stock by the Governor and Company of the Bank of England, and for the transfer thereof at the said bank: and whereas it is expedient to enable the Secretary of State for India in Council to defray the expenses incident to such arrangements: be it therefore enacted, &c., as follows:

1. *Arrangements for transfer of stock of the East India Company, and payment of dividends thereon at the Bank of England.* From and after the thirty-first day of August, one thousand eight hundred and sixty, the provisions contained in the said charter which require the East India Company to keep books in the public office or place of meeting of the company for the entry of the capital stock of the company, and which relate to the method and form of making assignments and transfers of the said stock in the said books, shall cease to be of force; and the directors of the East India Company are hereby empowered to make arrangements with the governor and company of the Bank of England for the management of the said capital stock by the governor and company of the Bank of England, and for the transfer thereof, and the payment of the dividends thereon at the said bank on and after the first day of September, one thousand eight hundred and sixty, or so soon afterwards as may be found convenient, in such manner and form, and upon such terms and conditions, and for such remuneration, as may appear to the said directors expedient and equitable, and be mutually agreed upon by them and the Governor and Company of the Bank of England, subject to the consent of the Secretary of State for India in Council, so far as relates to the amount of such remuneration.

2. *Secretary of State for India in Council to pay to the East India Company the sum agreed to be paid to the Bank of England.* The Secretary of State for India in Council shall half-yearly, at the same time that he shall pay to the East India Company the dividend on the capital stock of the said company due and payable to the said company under the Act of third and fourth of William the Fourth, chapter eighty-five, pay also to the said company out of the revenues of India such further sum as may have been mutually agreed upon by the directors of the said company and the governor and company of the Bank of England, with such consent as aforesaid, as the remuneration to be paid by the said company for the expenses incurred and the duties undertaken by the Governor and Company of the Bank of England under this Act.

3. *Powers of attorney existing previous to the 31st December, 1860, not to be defeated by the Act; and the Bank of England authorised to act on any powers lodged with the East India Com-*

pany. In the event of such arrangements as aforesaid being made with the governor and company of the Bank of England, all powers of attorney for transfer of any share in the said capital stock, or for receipt of the dividends thereon, made or executed at any time before the thirty-first of December, one thousand eight hundred and sixty, shall be as valid and effectual as if this Act had not passed, and the governor and company of the Bank of England are hereby authorized and required to give effect thereto in the same way as the East India Company would have been authorized and compellable so to do if this Act had not passed; and the said governor and company shall be, and they are hereby indemnified from any act done by them in reliance on or on the authority of any such power, or of any power of attorney, which may, previously to the taking effect of such arrangements, have been lodged at the office of the East India Company.

4. *Evidence of the title to stock may be required by the Bank.* In the event of such arrangements as aforesaid being made, the governor and company of the Bank of England, before allowing any transfer of any part of the said stock, or the receipt of any dividends thereon, shall be at liberty to require evidence of the title of any proprietor to any of the said stock or the dividends thereof, and such evidence shall be the declaration of competent persons, to be made in pursuance of the Act of the sixth William the Fourth, chapter sixty-two, or of such other nature as the governor and company of the Bank of England shall require.

5. *Secretary of State for India in Council to pay the dividends half-yearly to the Bank.* In the event of such arrangements as aforesaid being made, the Secretary of State for India in Council shall, in the month of December, one thousand eight hundred and sixty, and in every subsequent year, so long as the dividends on the said capital stock shall continue to be payable, fifteen days at the least before each of the half-yearly days on which a dividend on the said capital stock becomes payable, out of such moneys as may be applicable to the payment of the dividends, cause to be paid to the chief cashier for the time being of the Bank of England to the credit of the East India Company the amount of the dividend payable to the said company under the Act third and fourth of William the Fourth, chapter eighty-five.

6. *Secretary of State for India in Council to make such arrangements as shall be deemed expedient with the Bank of England for payment of the debts and obligations of the Government of India, and the interest thereon.* The Secretary of State for India in Council shall be and he is hereby authorized from time to time to make such arrangements with the governor and company of the Bank of England as shall be deemed expedient for the payment at the Bank of England of the debts and obligations contracted by or on behalf of the East India Company, and by or on behalf of the Secretary of State for India in Council, both in India and Great Britain, and of the interest to accrue thereon, and for the creation and registration and for the transfer of, and the payment of interest on, any stock into which any such obligations may be convertible, and for the appointment of one or more person or persons for the purpose of drawing bills, on behalf of the Secretary of State in Council of India, upon the Governor-General, and the governors of the several presidencies of India respectively, and otherwise in relation to the management of such debts and obligations.

7. *Secretary of State for India in Council to open accounts at Bank of England for payment of current demands.* It shall be lawful for the Secretary of State for India in Council from time to time to open at the Bank of England such account or accounts for the payment of current demands as he may deem expedient, such account or accounts to be kept in such name or names, and drawn upon by such person or persons, and in such manner, as may from time to time be directed by the said Secretary of State in Council, which accounts shall be deemed public accounts.

CAP. CIII.

An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty.

[20th August, 1860.

CAP. CIV.

An Act to enable the Trustees of the Royal College of Saint Patrick at Maynooth to make Provision for certain necessary Buildings and Repairs.

[20th August, 1860.

CAP. CV.

An Act to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland. [20th August, 1860.]

CAP. CVI.

An Act to amend the Lands Clauses Consolidation Acts (1845) in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts. [20th August, 1860.]

CAP. CVII.

An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses and for regulating the licensing of Refreshment Houses and the granting of Wine Licences, in Ireland. [28th August, 1860.]

CAP. CVIII.

An Act to amend the Industrial Schools Act, 1857. [28th August, 1860.]

WHEREAS an Act was passed in the session holden in the twentieth and twenty-first years of her Majesty, chapter forty-eight, "to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools," and by the said Act powers are vested in the Committee of her Majesty's Privy Council on Education of causing examination and reports to be made as to industrial schools, and of granting and withdrawing certificates for the purposes of the said Act: and whereas it is expedient that the powers vested in the said committee under the said Act should be transferred to the Secretary of State: be it enacted, &c., as follows:—

1. *Powers of the Committee of Council on Education under 20 & 21 Vict. c. 48 transferred to Secretary of State.* All the powers now vested in the Committee of the Privy Council on Education under the said Act shall be vested in and shall be exercised by one of her Majesty's Principal Secretaries of State, and the said Act shall be construed as if, where such Committee is therein mentioned or referred to, such Secretary of State had been mentioned or referred to; and any certificate which by the said Act was to be granted under the hand of the President of her Majesty's Privy Council or of the Vice-President of the said Committee thereof may be granted under the hand of the Secretary of State.

2. *The application which, by the 15th and 16th sections of said Act, is directed to be made by the school manager, may be made by any person authorised by Secretary of State.* And whereas by the fifteenth and sixteenth sections of the said Act it is provided that any justices of the county in which the certified industrial school to which any child has been sent is situate, or in which the parent is residing, may, upon the complaint of the managers of such school, summon the parent, and may order him to pay to such managers a weekly sum according to his ability: be it enacted, that it shall be lawful for any such justices to take any of the steps prescribed by the said fifteenth and sixteenth sections, upon the complaint of any person authorised by the Secretary of State, although no complaint may have been made on the part of the managers of the school.

OBSERVATIONS ON THE ABOVE ACT.

The reason of the change effected, by this Act with regard to the department of the Government to which is intrusted the superintendence of "industrial schools" is evidently to make the system of compulsory and semi-penal instruction introduced within the last few years more consistent. For a reformatory school, supported by voluntary contributions (to which may be sent for training, offenders under the age of sixteen who have been convicted of larceny or other offence), can only be established by the sanction and certificate of the Home Secretary upon the report of an Inspector of prisons with respect to their efficiency (see as to these schools 17 & 18 Vict. c. 86; 18 & 19 Vict. c. 87; 19 & 20 Vict. c. 109; and 20 & 21 Vict. c. 55);

and it is therefore proper that industrial schools (the object of which is to feed and educate *vagrant* children who have not been convicted of any more specific offence) should be placed under the same department of Government. The object of the arrangement just altered was (it may be presumed) to secure the services for the examination of these industrial schools of one of the "inspectors of schools," who are, in fact, the special workmen of the Committee of the Privy Council on Education; but it has probably been found by experience that this was not of sufficient importance to counterbalance the inconvenience of a separate superintendence of industrial schools; which more properly belong to the department of public justice than of education.

It is not so easy to account for the alteration made by the second section of the Act; as the managers of the school certainly appear to be the natural persons to make complaint of the conduct of the parents or relatives, with regard to the failure to contribute to the support of any scholar therein received.

The effect of the change seems to be to constitute the inspector of prisons (who will probably be the person "authorised to complain" by the Home Secretary) a species of public prosecutor for this purpose.

Much interesting information respecting the great results effected both by reformatory and industrial schools will be found in Mr. M. Hill's charge delivered to the grand jury at the Birmingham sessions which have been just held. It appears by this address that in the judgment of the Commissioner, still greater good is effected by the *free* schools for the same classes, but in which scholars resort for instruction without any judicial interference. He laments, however, that these last mentioned places of instruction are not sufficiently encouraged by Government assistance.

CAP. CIX.

An Act for defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal. [28th August, 1860.]

CAP. CX.

An Act to consolidate the Duties of Customs. [28th August, 1860.]

CAP. CXI.

An Act for granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties. [28th August 1860.]

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects the commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies for defraying your Majesty's public expenses, and making a permanent addition to the public revenue, have freely and voluntarily resolved to grant unto your Majesty the duties herein-after mentioned; and do humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *After passing of this Act the duties described in schedule to be charged.* From and after the day of the passing of this Act there shall be granted, raised, levied, and paid in and throughout the United Kingdom of Great Britain and Ireland, for the use of her Majesty, her heirs and successors, for and in respect of the several instruments, matters, and things described or mentioned in the said schedule, or for or in respect of the vellum, parchment, or paper upon which any of them respectively shall be written, the several stamp duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the said schedule, which

said schedule, and the several provisions, regulations, and directions therein contained with respect to the said duties, and the instruments, matters, and things charged therewith, shall be deemed and taken to be part of this Act, and shall be applied and put in execution accordingly: provided that nothing herein contained shall in any way alter or affect the Act passed in the twelfth and thirteenth years of the reign of her present Majesty, entitled an Act to confer certain powers on the Railway Passengers Assurance Company, or the duties thereby imposed.

2. *Stamp duties now payable on instruments, &c. mentioned in schedule repealed.*] The stamp duties now payable for and in respect of the several instruments, matters, and things mentioned or described in the schedule to this Act annexed, whereon other duties are by this Act granted, shall respectively from and after the day of the passing of this Act cease and determine, and the same are hereby repealed: provided that the stamp duties now chargeable on any of the said instruments, matters, and things, and not the said other new duties, shall be payable in respect of such of them as shall be made, signed, or dated at any time before or upon the day of the passing of this Act.

3. *Allowances on bill and receipt stamps granted by Acts 13 & 14 Vict. c. 97, and 17 & 18 Vict. c. 83, to cease, and an allowance granted in lieu thereof.*] From and after the thirty-first day of December one thousand eight hundred and sixty, the allowances granted respectively by the eighteenth section of the Act passed in the thirteenth and fourteenth years of her Majesty, chapter ninety-seven, in respect of stamps for receipts, and by the twenty-fourth section of the Act passed in the seventeenth and eighteenth years of her Majesty, chapter eighty-three, in respect of stamps for drafts, bills, and notes, and any allowance granted by or payable under any other Act in respect of any of the stamps hereinafter mentioned, shall cease; and in lieu thereof there shall be granted and allowed to every person who at one and the same time shall produce at the office of the Commissioners of Inland Revenue in London or Dublin paper to be stamped with stamps for denoting any rate of duty not exceeding one shilling on bills of exchange, drafts, or orders, or promissory notes, or stamps for denoting the duty of one penny on any instrument or document whatever, (except postage stamps and customs stamps,) to the amount of two pounds or upwards in the whole of all or any of such stamps as aforesaid, and to every person who at one and the same time shall purchase any such stamps as aforesaid at the office of the said commissioners in London, Edinburgh, or Dublin, to the amount aforesaid, or of any distributor or sub-distributor of stamps at any place not within the distance of ten miles from the said offices respectively, to the amount of one pound or upwards, an allowance of tenpence for every twenty shillings of the amount of the duties denoted by such stamps.

4. *Provisions of former Acts to apply to this Act.*] All the powers, provisions, clauses, regulations, directions, allowances, and exemptions, fines, forfeitures, pains, and penalties, contained in or imposed by any Act or Acts, or any schedule thereto, relating to any duties of the same kind or description heretofore payable in the United Kingdom and in force at the time of the passing of this Act, shall respectively be of full force and effect with respect to the duties by this Act granted, and to the vellum, parchment, paper, instruments, matters and things charged and chargeable therewith, and to the persons liable to the payment of the said duties, so far as the same are or shall be applicable in all cases not hereby expressly provided for; and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express provisions of this Act, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the duties by this Act granted.

5. *The duties on foreign promissory notes to be denoted by adhesive stamps.*] The duties by this Act granted on promissory notes made or purporting to be made out of the United Kingdom shall be denoted by adhesive stamps, to be provided by the Commissioners of Inland Revenue for the purpose, or by any stamps of sufficient amount which shall have been provided for denoting the duties on bills of exchange made out of the United Kingdom; and the proper adhesive stamp for denoting the duty on any such note shall be affixed thereon, and

be cancelled at the same time and times, and in like manner as is provided by the fifth section of an Act passed in the seventeenth and eighteenth years of her present Majesty, chapter eighty-three, and the twelfth section of an Act passed in the present session, chapter fifteen, in the case of bills of exchange therein respectively mentioned, and under the like penalties respectively for any neglect thereof; and the said respective sections shall be read as if the same were inserted in this Act expressly in reference to the promissory notes aforesaid, and the duties by this Act granted thereon, as well as to the bills of exchange therein respectively mentioned.

6. *Construction of terms "contract note" and "insurance."*] The term "contract note," wherever the same is used in this Act, shall mean any note or memorandum mentioned or referred to under the head contract note in the schedule to this Act; and the term "insurance" shall mean also and shall include the term "assurance."

7. *Stamps on contract notes may be impressed or adhesive; if adhesive, to be cancelled.*] The stamp duty on contract notes may be denoted either by impressed or adhesive stamps, and the said commissioners shall provide stamps of both descriptions; and in any case where a contract note is made, and the same is not written on an impressed stamp, there shall be affixed thereon a proper adhesive stamp; and every person who shall make or sign a contract note to which an adhesive stamp shall be affixed shall effectually cancel and obliterate the stamp by writing upon or across it his name or the name of his firm, or the initials thereof respectively, and by adding thereto the date of such cancelling, and so and in such manner that the said stamp cannot be used upon or for any other document or writing; and if any person shall make or sign any contract note by this Act chargeable with stamp duty without the same being duly stamped, to denote the said duty; or shall refuse or neglect to cancel and obliterate as aforesaid any adhesive stamp affixed thereon, he shall forfeit the sum of twenty pounds; and no charge for brokerage, commission, agency, or otherwise, made or to be made by any broker, agent, or other person, in or about the sale or purchase mentioned or referred to in any contract note made or signed by him, shall be lawful unless such contract note shall be duly stamped, and the stamp thereon, if adhesive, properly cancelled.

8. *On renewal of insurance to the receipt be chargeable with the duty.*] Where any insurance in respect of which a policy or agreement is chargeable with stamp duty under this Act shall be renewed or continued on the payment of further premium or consideration, whether in pursuance of any stipulation in the policy or agreement or otherwise, a receipt for such further premium or consideration shall be given by the person who shall receive the same, and such receipt shall for the purposes of this Act be and be deemed the policy or agreement for such renewed or continued insurance and be chargeable with the duty by this Act granted; and if any person shall receive any money for premium or consideration for any such insurance, and shall not within a month make out and, if required, deliver a duly stamped policy or agreement in respect thereof; or in the case of a renewal or continuance of such insurance, shall not thereupon give such receipt as aforesaid duly stamped; or if any such person shall deliver or cause to be delivered any policy or agreement, or give or cause to be given any receipt not duly stamped, he shall forfeit the sum of twenty pounds; and where the insurance shall be made, renewed, or continued by or for any society or company, the person who shall be a managing director, or the secretary or other principal officer thereof, at the time of the payment of any such premium or consideration, and of any such default or unlawful Act being done or suffered as aforesaid, shall be held and deemed to be a person doing or suffering the default or unlawful Act, and shall, as well as the society or company, and the members thereof who may by law be chargeable therewith, be subject and liable to the said penalty in respect thereof.

9. *Adhesive or impressed stamps, or both, may be used for insurances.*] The duties hereby granted on instruments of insurance may be denoted by any adhesive stamps that the Commissioners of Inland Revenue may provide for the purpose, and in the meanwhile by any adhesive stamps provided by them not appropriated by name to any other instrument, as well as by impressed stamps, or by a combination of both impressed and adhesive stamps; and in any case where an adhesive stamp is issued it shall be cancelled by writing upon the stamp the name of the person or the society or company making the insurance, or the initials thereof, and the date of writing the same; and also any particulars relating to the insurance

for which the stamp may be adapted; and in default thereof such person or society or company, as also the managing director, secretary, or other principal officer as aforesaid of any such society or company, shall forfeit the sum of ten pounds.

10. *The stamp duty on policies of insurance on lives for sums not exceeding £25 reduced.*] Whereas it is expedient to reduce the stamp duty now chargeable on policies of insurance upon lives for small sums: be it enacted, in lieu of the stamp duty of sixpence now payable upon or for in respect of any policy of insurance or other instrument by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives, or upon any event or contingency relating to or depending upon a life or lives, where the sum insured shall not exceed twenty-five pounds, there shall be charged and payable the stamp duty of threepence.

11. *No duty on insurance of workmen's tools not exceeding £20.*] No insurance from loss or damage by fire in any sum not exceeding twenty pounds, made, renewed, or continued at the instance or for the benefit of any working mechanic, artificer, handicraftsman, or labourer on the tools or implements of work or labour used by any such person in his work or employment, shall be chargeable with any stamp duty; provided that such insurance be effected by a separate policy, or that a distinct sum be assured on such tools or instruments.

12. *The stamp on an agreement may be adhesive.*] The stamp duty of sixpence by the Act of the present session of Parliament, chapter fifteen, charged on an agreement under hand only may be denoted by an adhesive stamp in any case where the same is capable of being used under the terms and restrictions herein-after-mentioned; and the Commissioners of Inland Revenue shall provide stamps for the purpose; and whenever any such adhesive stamp shall be used, every party to the agreement who shall sign the same, shall also at the time of so signing write upon or across the stamp his name and the date of the day and year of writing the same, so that the stamp may be appropriated to the instrument, and effectually cancelled and rendered incapable of being used for any other; and in default thereof the stamp shall be of no avail; and proof of the said writing upon or across the stamp, as hereby required, shall be a necessary part of the evidence of the agreement in any case where such agreement is not stamped with an impressed stamp.

13. *Every delivery order to be deemed to be upon a sale or transfer unless otherwise stated.—Penalty for false statement.—Order not to be invalid.*] Every writing or document entitling or intended to entitle any person to the delivery of any goods, wares, or merchandise, lying in any dock, port, or warehouse, or upon any wharf, as in the said Act of the present session is mentioned, shall be deemed to be made and given upon a sale or transfer of the property in such goods, wares, or merchandise, unless the contrary shall be expressly stated therein by the person making or giving the same; and if any person shall untruly state or by any word or words signify or cause or permit to be untruly stated or signified in any such writing or document that the same is not made or given upon a sale or transfer; or if any person shall himself or by his servant or other person procure or require the delivery of any of the goods, wares, or merchandise, therein mentioned, knowing that the same contains any such untrue statement, every such person shall forfeit, over and above any other penalty to which he may be liable, the sum of twenty pounds; but any such writing or document shall not, by reason of the same not being stamped, be invalid in the hands of the person having the custody of the goods, wares, and merchandise, and delivering out the same unless such person shall be party or privy to the fraud thereby committed.

14. *The stamp duty on a delivery order to be paid by the person requiring the order.*] The stamp duty of one penny payable on any such writing or document as in the last preceding clause is mentioned shall, in the absence of any special agreement between the parties relating to it, be paid by the person requiring the writing or document; and it shall be lawful, in any such case, for the person of whom the writing or document is required to refuse to give the same until the amount of the stamp duty thereon be paid to him.

15. *Weight notes not to be liable as dock warrants.*] Whereas a practice prevails in relation to certain descriptions of goods, wares, and merchandise, lying in docks and warehouses, and

upon wharfs, for the company or person in whose custody the same may be to deliver to the owner thereof, in addition to a warrant evidencing the title to the property, a certain other document termed a weight-note, such document being intended to be delivered by or on behalf of the owner to the purchaser of the goods mentioned in the warrant upon any sale thereof before the completion of the contract for sale, but which other document as well as the warrant is chargeable with the duty of threepence under the head dock warrant in the schedule to the said Act of the present session, and it is expedient that the same should be exempted from the said duty: be it therefore enacted, in any case where a document designated a warrant, chargeable with and duly stamped for denoting the payment of the said duty of threepence, and also a document termed a weight-note, or any other document of the like character or description relating only to the same goods, wares, or merchandise, as are specified in the warrant, shall be issued by the company or person in whose custody the said goods, wares, or merchandise, shall be, to the owner thereof or his broker or agent, the weight-note or other document aforesaid shall be exempt from the said duty of threepence.

16. *Certain copies or extracts from registers not to be chargeable with stamp duty.*] The stamp duty of one penny by the said Act of the present session charged upon a certified copy or extract of or from any register of births, baptisms, marriages, deaths, or burials, shall not be deemed to have been or to be payable upon any such copy or extract which is or shall be furnished by any clergyman, registrar, or other official person, pursuant to and for the purposes of any Act of Parliament, or to any general or superintending registrar under any general regulation nor in any case where the person giving the copy or extract is not entitled to any fee or reward for the same.

17. *Certain orders on bankers not to be subject to more than a penny stamp.*] No draft or order, writing or document, for the payment or for entitling any person to the payment by or through any banker or person acting as a banker of any sum of money, such draft, order, writing, or document being sent or delivered by the person making or giving the same to the banker or person acting as a banker by or through whom the payment is to be made, and not to the person to whom such payment is to be made or to any person on his behalf, shall be chargeable or be deemed to have been chargeable with any higher stamp duty than one penny, notwithstanding the said payment shall be or have been thereby directed to be made at any time after the date thereof, which duty of one penny may be denoted by an adhesive stamp to be cancelled as in the case of a draft or order on demand.

18. *Bankers may affix stamps to drafts or orders drawn on them.*] Where any draft or order for the payment of money by any banker or person acting as a banker, chargeable with the stamp duty of one penny, shall come to the hands of such person unstamped, it shall be lawful for him to affix thereto the necessary adhesive stamp, and to cancel the same in manner by law required, and upon so doing to make the payment thereby directed, and to charge the duty in account against the person who ought to have paid the same, or to deduct such duty from the sum so directed to be paid; and such draft or order shall, so far as relates to the stamp duty chargeable thereon, be good and valid; but this shall not relieve any person from the liability to the penalty he may have incurred by issuing the said draft or order unstamped.

19. *Sect. 18 of 55 Geo. 3, c. 184, prohibiting the issuing of bankers' notes with printed dates, repealed.—Drafts on bankers for less than 20s. to be lawful.*] Whereas by the eighteenth section of the Act passed in the fifty-fifth year of the reign of King George the Third, chapter one hundred and eighty-four, the issuing of promissory notes payable to bearer on demand with printed dates therein is prohibited, and such prohibition is an unnecessary restriction: be it enacted, that the said section of the said last-mentioned Act shall be and is hereby repealed: provided always, that, notwithstanding anything in any Act of Parliament contained to the contrary, it shall be lawful for any person to draw upon his banker, who shall *bona fide* hold money to or for his use, any draft or order for the payment, to the bearer or to order on demand, of any sum of money less than twenty shillings.

20. *Licences to hawkers and pedlars granted in England or Scotland to be good for any part of Great Britain.*] Whereas by

an Act passed in the fiftieth year of the reign of King George the Third, chapter forty-one, every hawk, pedlar, and petty chapman, and other trading person going from town to town or to other men's houses, in England, Wales, or Berwick-upon-Tweed, is required to take out a licence as therein mentioned, and by an Act passed in the fifty-fifth year of the reign of the said king, chapter seventy-one, such trading persons in Scotland are also required to take out a licence: be it enacted, that a licence taken out under either of the said Acts shall be sufficient to authorize the trading, according to the tenor of it, in any part of Great Britain, and shall be read as a licence granted under both of the said Acts.

21. *Commissioners of Inland Revenue may remit penalties under the said Acts.*] If any person be convicted of an offence under either of the said two last-mentioned Acts, it shall be lawful for the Commissioners of Inland Revenue, and they are hereby authorised, in case they shall see fit so to do, to remit the whole or any part of the penalty imposed by law for such offence, notwithstanding the same or some portion thereof may be payable to some party other than the Crown.

22. *Persons in the service of the Post Office may sell postage stamps, &c., without licence.*] It shall be lawful for any person in the service or employment of the Post Office, without any licence or any authority other than this Act, to carry about for sale and to sell at any place or places within the United Kingdom, postage stamps and printed forms of any kind issued from or used at the General Post Office, and any other matters and things relating to the business of the Post Office which are or may be authorized or permitted to be sold at any post office; and such person shall not be subject or liable to any penalty or forfeiture for so doing, anything in any Act or Acts to the contrary notwithstanding.

23. 20 & 21 Vict. c. 77, *probates and administrations, England.*—20 & 21 Vict. c. 79, *Ireland.*—*If Treasury direct district registrars to be paid by salary, they may also direct the fees to be collected, &c., by means of stamps.*] Whereas by the Act passed in the twentieth and twenty-first years of her Majesty's reign, chapter seventy-seven, for amending the law relating to probates and letters of administration in England, it is enacted that none of the fees payable to the officers of the Court of Probate, or of any county court, in respect of business under the Act, except the fees of district registrars, (which were to be taken as their remuneration, and for their own use,) should be received in money, but that every such fee should be collected and received by a stamp denoting the amount of the fee which otherwise would be payable, and provisions were therein made for the proper collection of such fees; and it was also enacted, that it should be lawful for the Commissioners of her Majesty's Treasury at any time to order that the district registrars or any of them should be paid by salaries instead of fees, and that thereupon all fees payable to them should be accounted for and paid into the exchequer as the said last-mentioned commissioners should direct; and by an Act passed in the same year, chapter seventy-nine, for amending the law relating to probates and letters of administration in Ireland, similar enactments are contained; and it may be considered expedient in cases where the said last-mentioned commissioners shall have directed or shall at any time direct the district registrars in England or Ireland to be paid by salaries instead of fees, that such fees should also be collected and received by means of stamps: be it therefore enacted as follows, in any case where the Commissioners of her Majesty's Treasury have ordered or shall at any time hereafter order that any district registrar, under either of the said Acts, shall be paid by salary, it shall be lawful for them at any time to order also that the fees or any of the fees authorised to be taken by such district registrar shall be collected and received by means of stamps; and thereupon, from and after the time to be fixed for that purpose by any such last-mentioned order, every such fee shall be collected and received by a stamp denoting the amount of the fee which otherwise would be payable, in the same manner and under and subject to the same provisions, clauses, regulations, and directions in that behalf as are contained in the said Acts respectively, in relation to the fees thereby directed to be collected and received by means of stamps, and to the documents which ought to be stamped to denote such fees, as if such fees had not been accepted as aforesaid, but had been expressly directed by the said respective Acts to be collected and received by means of stamps, as other fees are thereby respectively directed to be collected and received.

SCHEDULE referred to, containing the Duties by this Act imposed.

AWARD in England or Ireland, and Award or Decree Arbitral in Scotland:

	£	s.	d.
Where the amount or value of the matter in dispute shall not exceed £50	0	2	6
And where it shall exceed £50 and not exceed £100	0	5	0
And where it shall exceed £100 and not exceed £200	0	10	0
And where it shall exceed £200 and not exceed £500	0	15	0
And where it shall exceed £500 and not exceed £750	1	0	0
And where it shall exceed £750 and not exceed £1,000	1	5	0
And where it shall exceed £1,000, and also in all other cases not above provided for	1	15	0

CONTRACT NOTE. Any note, memorandum, or writing, commonly called a contract note, or by whatever name the same may be designated, for or relating to the sale or purchase of any government or other public stocks, funds, or securities, or any stocks, funds, or securities, or share or shares of or in any joint stock or other public company, to the amount or value of £5 or upwards

0 0 1
A duty equal to the ad valorem duty with which a similar lease or tack would be chargeable, but no higher duty than £1 15s. shall be charged.

LEASE. Any assignment or surrender of a lease or tack for a term of years exceeding thirty-five, upon any other occasion than a sale or mortgage

POLICY OF ASSURANCE or insurance, by whatever name the same shall be called, whereby any sum of money shall be assured, or agreed to be paid only upon the death of any person, from or by reason of any cause incident to or consequent upon travelling, whether by land or water, or any accident or external violence, or any cause whatever other than a natural cause; or whereby any compensation shall be assured or agreed to be made or paid for personal injury received from any cause whatever; or whereby both a sum of money upon death and a compensation for personal injury as aforesaid shall be assured and agreed to be paid, or whereby any assurance or insurance shall be made upon glass from loss or damage of any kind except by fire.

Where the premium or consideration for such assurance, insurance, or agreement shall not exceed two shillings and sixpence

0 0 1

And where the same shall exceed two shillings and sixpence and shall not exceed five shillings

0 0 3

And where the same shall exceed five shillings, then for every five shillings and also for every fractional part of five shillings

0 0 3

PROMISSORY NOTE made in the United Kingdom for the payment of any sum of money exceeding £4,000.

For every £1,000 or part of £1,000 of the money thereby made payable

0 10 0

Foreign PROMISSORY NOTE made or purporting to be made out of the United Kingdom for the payment within the United Kingdom of any sum of money

The same duty as on an inland bill of exchange for the payment otherwise than on demand of money of the same amount.

CAP. CXII.

An Act to make better Provision for acquiring Lands for the Defence of the Realm. [28th August, 1860.]

WHEREAS the commissioners appointed by her Majesty to inquire into the state, condition, and sufficiency of the fortifications existing for the defence of the United Kingdom have recommended the construction of certain works of defence for the protection of the Royal arsenals and dockyards, and the ports of Dover and Portland, and of certain other works; and it will be necessary to acquire considerable portions of land for the construction of such of the works so recommended as Parliament has provided or shall provide money for constructing, and also for the erection and establishment of a central depot or arsenal; and it may be necessary that certain lands in the vicinity of the said fortifications and works, which may not be required for the construction of any of the said works, should be kept free from buildings and other constructions: and whereas it is expedient that the powers hereinafter contained should be given for effecting the purposes aforesaid: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Ascertaining the Lands to be taken or to be kept free from Buildings.

1. Lands to be taken and lands to be kept free from buildings

to be ascertained by declaration of Secretary for War.] On or before the thirty-first day of August, one thousand eight hundred and sixty-one, the lands required to be taken absolutely for the construction of the said works, and depot, or arsenal, and the lands in the vicinity of the fortifications and works aforesaid, which are required to be kept free from buildings and other obstructions, shall be ascertained by a declaration or declarations to be at any time, or from time to time, made and signed by her Majesty's principal Secretary of State for the War Department.

2. *Declaration, what to show.*] Every such declaration shall specify and show, with the aid of a map or plan thereto annexed, constructed on a scale of not less than six inches to a mile, the lands to which the same relates, and shall distinguish what lands are required to be taken absolutely, and what lands are required to be kept free from buildings and other obstructions.

3. *Restriction on taking of certain descriptions of property.*] Part only of any garden, orchard, nursery ground, yard, paddock, plantation, planted walk, or avenue appurtenant to, and used and enjoyed as such with any house before the affixing, as hereinafter provided, of notice of any declaration in relation thereto under this Act, shall not be taken from any party, if such party be willing and able to sell the whole.

4. *Copy of declaration, &c., to be deposited with clerks of peace, &c.*] The said Secretary of State shall, within three months after the making of any such declaration, cause copies thereof, and of the map or plan thereto annexed, to be deposited as hereinafter mentioned; (that is to say),

There shall be deposited at the office of the clerk of the peace for every county in which any lands to which any such declaration relates are situate, a copy of such declaration, and of the map or plan thereto annexed:

There shall also be deposited with the parish clerk of every parish in England, or in the case of an extra-parochial place, with the parish clerk of some parish immediately adjoining thereto, and with the clerk of the union within which any parish is included in Ireland, a copy of so much of every such declaration, and of the map or plan thereto annexed, as relates to any lands situate in such parish or extra-parochial place.

5. *Clerks of the peace, &c., to receive and hold copies so deposited as under 7 Will. 4, § 1 Vict. c. 83.*] All clerks of the peace, parish clerks, and clerks of unions, shall receive and retain the copies deposited with them as aforesaid, and permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as provided by an Act passed in the session holden in the seventh year of King William the Fourth, and first year of her Majesty, intituled, An Act to compel Clerks of the Peace for Counties and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament, with respect to plans directed to be so deposited by the standing orders of either House of Parliament.

6. *Notices to be affixed on church doors.*] The said Secretary of State shall, within three months after the making of any such declaration as aforesaid, cause notice thereof to be affixed in some public and conspicuous situation, on the outside of the outer door, or outer wall near the door, of every church and public chapel (including places of public worship not belonging to the Established Church) in the parishes or places in England, or in the usual places for posting public notices in the baronies, cities, towns, or boroughs in Ireland, wherein the lands comprised in such declaration respectively lie:

Such notice shall state the fact of such declaration having been made as aforesaid under this Act, and the places where copies of the said declaration and of the map or plan thereto annexed, so far as the same affect lands in such respective parishes or places, baronies, cities, towns, or boroughs, have been deposited as herein-before required.

Notices of Lands required to be taken or to be kept free from Buildings.

7. *Notices to owners, &c., of land.*] The said Secretary of State shall, within six months after the making of any such declaration, cause such notice or notices in writing as hereinafter mentioned to be served in manner herein-after provided on the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands to which such declaration relates.

8. *Contents of such notice.*] Every such notice shall specify the lands required to be taken or to be kept free from buildings and other obstructions (as the case may be), and the places where copies of the declaration relating thereto have been deposited as herein-before required:

Every such notice shall also state that the said Secretary of State is willing to treat as to the compensation to be paid for such lands, or (in the case of lands required to be kept free from buildings) as to the compensation to be paid for the damage to be sustained by reason of the restraints under this Act on the exercise of the right of building and other rights incident to the ownership of such lands, and by reason of the execution under the powers of this Act of any intended works specified in such notice.

And every such notice shall demand from the party to whom the same is given the particulars of the estate and interest of such party in the lands, and of the claims made by such party in respect thereof, stating therein the amount which such party may be willing to receive as compensation for his estate and interest, or for any damage in respect thereof referred to in such notice.

9. *How notices to be given.*] Every such notice shall be served personally on the said parties, or left at their last usual places of abode, if any such can after diligent inquiry be found, and in case any of such parties be absent from the United Kingdom, or cannot be found after diligent inquiry, shall be addressed to such party and left with the occupier of the lands, or, if there be no such occupier, affixed upon some conspicuous part of such lands.

If any of such parties be a corporation aggregate such notice shall be left at the principal office of such corporation, or, if no such office can after diligent inquiry be found, such notice shall be served on some principal member, if any, of such corporation, and a duplicate of the notice shall be addressed to such corporation and left with the occupier of the lands, or, if there be no such occupier, affixed upon some conspicuous part of such lands.

Determination of the Amount of Compensation by Agreement

10. *Amount of compensation may be determined by agreement.*] The amount of compensation to be paid for any lands required to be taken, and the amount of compensation to be paid in respect of any damage sustained by reason of such restraints as aforesaid, or by reason of the execution of any works in or over any lands required to be kept free from buildings, may be determined by agreement between the said Secretary of State and all parties having any estate or interest in such lands respectively.

11. *Corporations, tenants for life, trustees, committees, &c., empowered to agree.*] All corporations and all feeoffees or trustees for charitable or other purposes of any lands required to be taken or to be kept free from buildings, and all tenants for life and tenants in tail of any such lands, and the husbands, guardians, trustees, committees, and attorneys, of such of the owners of or other persons interested in any such lands, as may be females covert, infants, lunatics, idiots, or beyond the seas, or otherwise incapable of acting for themselves, may agree with the said Secretary of State as to the amount of such compensation to be paid for any such lands, or any damage sustained in respect thereof:

All agreements made and acts done by such corporations and persons respectively in relation to such compensation shall be valid and effectual in law to all intents and purposes whatsoever.

Determination of Amount of Compensation otherwise than by Agreement.

12. *How compensation to be settled in case of neglect to treat.*] If for fourteen days after the service of any such notice as aforesaid any party on whom the same is served fail to state the particulars of his claim in respect of any lands to which such notice relates, or to treat with the said Secretary of State as to the amount of compensation to be paid to such party or which he is empowered to agree upon,

Or if the said Secretary of State and such party do not within such fourteen days agree as to the amount of such compensation,

Such amount shall be settled by a jury in like manner as if the same were compensation for lands surveyed and marked out under the Act of the session holden in the fifth and sixth years of her Majesty, chapter ninety-four, herein-after referred to as "The Defence Act, 1842," as amended by the Act of the session holden in the eighteenth and nineteenth years of her Majesty, chapter one hundred and seventeen.

13. *Provision where compensation claimed is under £200.* Provided always, that if the compensation claimed do not exceed two hundred pounds, the same shall be settled by two justices, in manner following; that is to say, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before two justices at a time and place to be named in the summons, and upon the appearance of the parties, or, in the absence of either of them, upon proof of due service of the summons, it shall be lawful for such justices to determine such amount, and for that purpose to examine the claimant and the witnesses of the parties upon oath.

14. *Compensation to absent parties to be settled by a surveyor to be appointed by two justices.* Where by reason of absence from the United Kingdom any party is prevented from treating, or cannot after diligent inquiry be found, the amount of such compensation shall be determined by valuation in manner following; that is to say, the said Secretary of State shall make application to two justices, and upon proof satisfactory to them that any such party is by reason of absence from the kingdom prevented from treating, or cannot after diligent inquiry be found, such justices shall, by writing under their hands, nominate a competent surveyor for determining the amount of such compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

15. *Surveyor acting corruptly to be guilty of a misdemeanour.* If any surveyor wilfully and corruptly make any incorrect or false valuation, or wilfully and corruptly act in the matter hereof, he shall be guilty of a misdemeanour.

16. *Valuation to be preserved and produced on demand.* The said nomination shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the said Secretary of State, who shall at all times produce the said valuation and other documents, on demand, to all parties interested in the lands comprised therein.

17. *Damage may be ascertained when works done.* Where any damage has been sustained by reason of any works authorized by this Act in or upon lands required to be kept free from buildings and other obstructions, in respect of which works compensation has not been agreed upon, awarded, or otherwise ascertained prospectively, compensation shall be paid in respect thereof when the works have been done, such compensation to be determined in like manner as other compensation under this Act, or as near thereto as circumstances admit.

18. *In estimating damage from works, regard to be had to advantages derived.* In determining the amount of compensation in respect of damage sustained by reason of any such works, regard shall be had to any increase in the extent of land capable of being brought under cultivation by removal of banks, fences, hedges, and ditches, and to any improved drainage and other advantages derived from any such works.

19. *Where any agreement in restraint of building exists, regard to be had thereto in estimating compensation.* Where any covenant or agreement has been entered into with the principal officers of her Majesty's ordnance, or with the said Secretary of State, in restraint of the right to build on any lands, and such covenant or agreement is legally or equitably binding on the owner of the lands, regard shall be had in ascertaining the amount of compensation to be paid under this Act for or in respect of such lands (whether the same are required to be taken absolutely, or are required to be kept free from buildings), to the existing restriction arising out of such covenant or agreement.

Payment and Application of Compensation in certain Cases.

20. *Provision for payment and application of compensation money in certain cases.* Any compensation payable under this Act, for or in respect of any lands, or any interest therein, taken from or holden by any owner who by reason of absence is prevented from treating as aforesaid, or who cannot after diligent inquiry be found, or who refuses to accept such compensation, or neglects or fails to make out a title to such lands or the interest therein claimed by such owner to the satisfaction of the said Secretary of State;

And any compensation payable for or in respect of any lands or any interest therein taken from or holden by any corporation or person not having, independently of this Act and the Defence Act, 1842, as amended as aforesaid, power to agree as to the amount of such compensation, or to sell and convey such lands or such interest,

shall be paid and applied in manner directed by the sections numbered twenty-five to thirty of the Defence Act, 1842, (and with regard to England) as amended by section eight of the Act of the session holden in the twenty-second and twenty-third years of her Majesty, chapter twenty-one, as if the said sections expressly extended to the said compensation.

21. *On payment into court of compensation, an addition to be made to meet future expenses.* Where any compensation is required to be paid into the Bank of England or Ireland under this Act, there shall be added thereto a sum of thirty pounds as an equivalent for the expenses consequent upon such payment, and upon such compensation, with such additional sum (which shall be deemed part of such compensation), being so paid, the said Secretary of State shall be discharged from all liability in respect thereof, and the Court of Chancery may allot to any tenant for life, or for any other partial or qualified estate in respect of any expenses of investment incurred by him, any portion of any such compensation which the Court may deem just.

22. *Provision for payment into court on failure for three months after compensation ascertained to deduce a title.* The said Secretary of State may in any case, at or after the expiration of three months from the time at which the compensation for any lands has been agreed upon or otherwise ascertained, if the owner thereof have not in the meantime made out a title thereto to the satisfaction of the said Secretary of State, pay such compensation, without such addition as aforesaid, into the Bank of England or Ireland in manner hereinbefore referred to, and such payment shall discharge the said Secretary of State from all liability in respect of the money so paid:

Provided always, that the Court of Chancery may, upon application for payment of such money to the party entitled, in case the Court be of opinion that there was no unreasonable delay in deducing the title, or that a good title was shown, order all or any costs occasioned by such payment into court, to be paid by the said Secretary of State.

23. *Orders concerning money paid into court may be made at chambers.* All orders and directions in relation to any money paid into the Bank of England in the name and with the privity of the Accountant General of the Court of Chancery under this Act, or the securities in or upon which the same may be invested, or the dividends or interest on such money and securities, which under the said Acts the Court of Chancery is empowered to make or give, on motion or petition, may be made or given by the Master of the Rolls or any of the Vice-Chancellors while sitting at chambers, upon summons, in like manner as in other cases in which proceedings may be so had before the Master of the Rolls and Vice-Chancellor, subject, nevertheless, to any general rules and orders which may hereafter be made concerning the practice, proceedings, or business of the said court.

Provisions as to Costs.

24. *Costs of and incident to agreements, &c., under this Act to be borne by Secretary of State.* The costs of and incident to any agreement with the said Secretary of State under this Act concerning the compensation to be paid for or in respect of any lands taken or affected under the provisions of this Act and the costs of the deduction and verification of title shall be paid by the said Secretary of State: all which costs shall be taxed by one of the taxing masters of the Court of Chancery in England or Ireland (according to the situation of the lands) upon the request and at the expense of the said Secretary of State.

25. *Provisions for costs when amount of compensation is determined by a jury or justices.* In case any jury give a verdict or assessment for more compensation for any lands or any interest therein or any damage than was offered for the same by the said Secretary of State, or for any amount of compensation where no offer of any compensation was made, then all the reasonable costs and expenses of and incident to the settlement of the amount of such compensation by a jury shall be paid by the said Secretary of State, such costs to be settled upon the request of the said Secretary of State, by one of the masters of the Court of Queen's Bench in England or Ireland, according to the situation of the lands:

But in every case in which the jury shall be of opinion that the statement delivered by the claimant of the manner in which any amount demanded as compensation has been computed and made up did not give sufficient particulars to enable the said Secretary of State to make a proper offer, and in

every other case in which the jury give a verdict or assessment for the same or a less sum than was offered by the said Secretary of State, or in case no damage be found by the jury where the question is as to damage only, or where the summoning a jury arose from a refusal to state or demand any amount of compensation, then and in every such case all such costs and expenses to be settled in manner aforesaid shall be paid to the said Secretary of State by the body or person claiming the compensation or refusing to state or demand any amount of compensation; and all costs and expenses payable hereunder to the said Secretary of State shall be retained out of the compensation (if any) given by the verdict or assessment of the jury.

The foregoing provisions as to costs in the case of the determination of any question as to compensation by a jury shall be applicable also where such question is determined by justices.

Apportionment and Release of Rents and Incumbrances.

26. *Provision for apportionment of rents and incumbrances.* [If part only of any lands comprised in any lease or mortgage, or otherwise subject to any rent service or other rent, or any annual or other payment or incumbrance, be taken under this Act, such rent, payment, or incumbrance, may be apportioned by agreement between the parties entitled thereto and to the lands subject thereto and the said Secretary of State, or in case no such agreement be made, the same may be apportioned by the jury or justices by whom the compensation payable in respect of the part of the said lands taken by the said Secretary of State is determined, or if not so determined, may be determined by two justices, as herein provided in certain cases of compensation:

After such apportionment such apportioned part only of such rent, payment, or incumbrance, shall be payable out of the residue of the said lands, and all covenants, provisions, conditions, agreements, powers, and remedies, in respect of the said rent, payment, or incumbrance, shall remain in force in respect of the apportioned part which is to remain payable, as against the residue of such lands, and where any rent originally reserved was an ancient and accustomed rent for such residue of the said lands.

27. *Power to release land from rentcharge, &c.* [With the consent of the party entitled to the lands, the party entitled to any rentcharge, payment, or incumbrance may release therefrom the portion of the said lands taken as aforesaid on condition or in consideration of the remaining part remaining exclusively subject to the whole rentcharge, payment, or incumbrance, and in such case all covenants, provisions, conditions, agreements, powers, and remedies in respect of such rentcharge, payment, or incumbrance, shall remain in force against the said residue of the said lands.

28. *Who competent to make apportionment, &c.* [All bodies and persons who are enabled to agree for the sale of lands to the said Secretary of State shall be competent to agree for and make an apportionment or release under either of the two last preceding enactments.

Power to use The Lands Clauses Consolidation Act, 1845.

29. *Secretary of State may avail himself of powers of 8 & 9 Vict. c. 18.* [The said Secretary of State may, if he think fit, as well in respect of lands required to be kept free from buildings as in respect of lands taken under this Act, use and avail himself of all or any of the powers and authorities by "The Lands Clauses Consolidation Act, 1845," given to "the promoters of the undertaking," and every party enabled by the last-mentioned Act to sell and convey or release lands or any estate or interest therein to "the promoters of the undertaking" shall have the same or the like powers to contract, and agree with the said Secretary of State as to the compensation to be paid in respect of any lands, estates, or interests, taken, or affected under the provisions of this Act: provided always, that nothing in this enactment shall prejudice or affect the right to exercise the other powers or authorities hereby given.

Vesting of Lands to be taken absolutely in the Secretary of State and Power of immediate Entry.

30. *Lands taken to be vested in Secretary of State on behalf of her Majesty.* [The lands required to be taken under this Act by the said Secretary of State shall, from and after payment of the compensation for the same, be vested in the said Secretary of State, on behalf of her Majesty, discharged of all estates, rights, and interests whatsoever.

31. *Power to Secretary of State to enter immediately.* [Provided always, that it shall be lawful for the said Secretary of State, at any time after the expiration of fourteen days from the service of such notice as aforesaid in relation to any lands mentioned in any such declaration as aforesaid as required to be taken by him, to enter upon and take possession of and hold such lands, or any of them, and to cause to be executed thereon all such works as such Secretary of State may think fit.

32. *Interest to be payable until payment of compensation money.* [Provided also, that in case possession be taken of any lands before payment of the compensation for the same, interest shall be payable upon the amount of such compensation until payment thereof, after the rate of five pounds per centum per annum from the time of taking possession as aforesaid; and such interest shall go and be applied as the income of the lands would have gone and been applied if possession had not been so taken.

Continuance of Liability to Tithe Rentcharge, Taxes, and Rates.

33. *Lands to continue subject to tithe rentcharges, taxes, and rates.* [The lands vested in the said Secretary of State in pursuance of this Act which were before the time of such vesting liable to and charged with tithes or tithe rentcharge, land tax, poor or other rates, shall continue chargeable therewith, but shall not be assessed to any tax or rate at a higher value or rent than that at which such lands were assessed at the time of such vesting.

Restraints and Powers to attach on Lands required to be kept free from Buildings.

34. *Restrictions and powers with respect to lands required to be kept free from buildings.* [From and after the service of such notices as aforesaid in relation to any lands required to be kept free from buildings and other obstructions, the following restrictions, powers, and consequences shall attach with reference to such lands:

No building or other structure (other than barns, hovels, or other like structures of wood,) shall be made or erected thereon.

It shall be lawful for the said Secretary of State, at any time after the expiration of fourteen days from the service of such notice, and from time to time, to enter and pull down any present or future buildings or structures (other than as aforesaid) thereon, and to cut down or grub up all or any of the trees thereon, and to remove or alter all or any of the banks, fences, hedges, and ditches thereon, and to make underground or other drains therein, and generally to level and clear the said lands, and to do all such acts for levelling and clearing the same as may be deemed necessary or proper by the said Secretary of State, but in such manner, nevertheless, that evidence of the boundaries of the lands held by different owners may be preserved.

And it shall not be lawful for any person to alter the level of the lands, or do any act which may prejudicially affect any work done on the lands under the authority of the said Secretary of State.

35. *Limitation of time for works under last preceding enactment.* [The powers conferred by the enactment lastly hereinbefore contained in relation to any lands shall be exercised only within three years after the making of any declaration that the said lands are required to be kept free from buildings and other obstructions, except with respect to pulling down buildings or structures wrongfully made or erected after the expiration of that time, or keeping or reinstating such lands in the condition in which the same were left after the execution of any such work thereon as aforesaid, or maintaining or restoring the level of such lands.

Subsequent Compensation for Interests omitted to be purchased.

36. *Provision as to interest omitted to be purchased.* [If at any time after the said Secretary of State has entered upon any lands vested in him under this Act, any party appear to be entitled to any estate, right, or interest in or charge affecting such lands which through mistake and inadvertence has been omitted to be purchased or compensated for, the said Secretary of State shall nevertheless remain in the undisturbed possession of such lands, and shall be deemed to have an indefeasible title thereto, but shall pay compensation for any such estate, right, interest, or charge, which but for this enactment might be recovered or enforced, and also pay to such party, or to any other party who may establish a right thereto,

full compensation for the mesne profits or interest which would have accrued to such parties respectively in respect thereof during the interval between the entry of the said Secretary of State thereon and the time of the payment of such compensation by the said Secretary of State so far as such mesne profits or interest may be recoverable at law or in equity:

Such compensation shall be agreed on or awarded and paid in like manner as the same would have been agreed on or awarded and paid in case the said Secretary of State had purchased or compensated for such estate, right, interest, or charge before his entering upon such lands, or as near thereto as circumstances will admit.

37. *How value to be estimated.*] In estimating the compensation to be given for any such estate, right, interest, or charge affecting any lands, or for any mesne profits or interest, the jury or justices, as the case may be, shall assess the same according to the value of the lands at the time the same were entered upon by the said Secretary of State and without regard to any improvements or works made by him.

38. *Secretary of State to pay the costs of litigation as to such lands.*] In addition to the said compensation the said Secretary of State shall, when the right to any such estate, right, interest, or charge has been disputed by him and determined in favour of the party claiming the same, pay the full costs and expenses of any proceedings at law or in equity for the determination or recovery of the same to the parties with whom any such litigation in respect thereof has taken place, and such costs and expenses shall, in case the same be disputed, be settled by the proper officer of the Court in which such litigation took place.

Power to Secretary of State to withdraw Notices.

39. *Power to Secretary of State to withdraw notices.*] If in any case after service of notice by the said Secretary of State with respect to any lands required to be taken or to be kept free from buildings under this Act, it appear to him from a change of circumstances or other reasons unnecessary or inexpedient to complete the taking of such lands or any part thereof, or to require such lands or any part thereof to be kept free from buildings, it shall be lawful for him to give a further notice to the effect that he thereby withdraws the notice given in relation to the lands comprised in the first notice, or such part thereof as he may think fit, and thereupon the lands comprised in the notice of withdrawal shall be wholly discharged from the effect of the first notice, and may be dealt with as if the first notice had not been given, and the said Secretary of State shall be wholly discharged from any obligation to take the lands comprised in the notice of withdrawal, or to make compensation in respect thereof under this Act, without prejudice nevertheless to any claim of any owner, lessee, or occupier of such lands for compensation for such damage (if any) as he may have sustained in consequence of the giving of the first notice, the amount of such damage to be determined in like manner as other compensation under this Act, or as near thereto as circumstances admit:

Provided that every such notice of withdrawal be given within two months after the service of the first notice; provided also, that nothing in this enactment shall be construed to give to any party any further or other right as against the said Secretary of State than he would have had independently of this enactment, save as herein is expressed.

Power to divert Highways, &c.

40. *Power to divert highways, &c.*] It shall be lawful for the said Secretary of State, without any writ being issued or other legal proceeding being adopted, to stop up or divert or alter the level of any highway, way, sewer, drain, or pipe over, through, under, or adjoining any lands comprised in any such declaration as aforesaid, he, if necessary, previously making, opening, or laying down another good and sufficient way, sewer, drain, or pipe in lieu of that stopped up or diverted.

41. *Power to alter the course of brooks, &c.*] It shall be lawful for the said Secretary of State to alter the course and level of any river not navigable, brook, stream, or watercourse, and any branch of any navigable river (such branch not itself being navigable) within or adjoining such lands, making compensation for any damage sustained by reason of the exercise of such powers, such compensation to be determined and paid in like manner as other compensation under this Act, or as near thereto as circumstances admit.

Miscellaneous Provisions.

42. *Payment of compensations.*] All moneys to become payable by the said Secretary of State under this Act shall be paid out of such moneys as have been or may be provided by Parliament for this purpose.

43. *Protection to Secretary of State.*] The said Secretary of State shall not, by reason of anything done or omitted to be done under this Act, be liable to any fine, penalty, or forfeiture, or to execution of any process against his person or property.

44. *Provision for enforcing delivery of possession.*] If in any case in which the said Secretary of State is by this Act authorised to take possession of or to enter upon any lands any person refuse to give up possession thereof, or hinder the said Secretary of State or the persons authorised by him from taking possession of or entering upon the same, the said Secretary of State may issue his warrant to the sheriff of the county in which the lands are situate to deliver possession of the same to the person in this behalf named in such warrant, and upon receipt of such warrant the said sheriff shall deliver possession thereof accordingly.

45. *Notices, &c., required to be served on or given by Secretary of State to be served on or given by the solicitor.*] Any notice, summons, writ, or other document required to be served on the said Secretary of State may be served by being delivered to the solicitor for the War Department for the time being, or by being left for him thereat; and any notice, summons, writ, or other document required to be given by or on behalf of the Secretary of State shall be given under the hand of such solicitor.

Amendment of The Defence Act, 1842.

46. 5 & 6 Vict. c. 34, amended as herein stated.] And whereas the Defence Act, 1842, has been amended by divers Acts, and it is expedient further to amend the same:

The following provisions of this Act in relation to lands to be taken under this Act, shall be applicable where lands are surveyed and marked out under The Defence Act, 1842, as amended as aforesaid; (that is to say),

The provisions concerning the mode of serving notices on owners, lessees, and occupiers, and of notices, writs, or other documents on the said Secretary of State:

The provisions concerning the determination of the amount of compensation for lands otherwise than by agreement:

The provisions concerning the payment and application of compensation, and the disposition of securities on which the same may be invested, and of the interest and dividends of such compensation and securities:

And the provision concerning interests omitted to be purchased, which last-mentioned provision shall apply as well with respect to lands already taken by the said Secretary of State, as with respect to lands to be hereafter taken by him under the said Defence Act as amended as aforesaid.

Interpretation.

47. *Interpretation of terms.*] In the construction of this Act the style or title "Her Majesty's Principal Secretary of State for the War Department" shall mean her Majesty's Principal Secretary of State for the time being to whom her Majesty shall think fit to intrust the seals of the War Department; and the following words and expressions in this Act and The Defence Act, 1842, have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say),

The word "lands" shall extend to messuages, lands, tenements, and hereditaments of any tenure:

The word "lease" shall include an agreement for a lease: The word "county" shall include any riding or other like division of a county, and shall also include county of a city or county of a town:

The word "sheriff" shall include under sheriff, or other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff, and the lands being the property of one and the same party, are situate not wholly in one county, the same expression shall be construed to mean the sheriff of any county, where any part of such lands is situate:

The word "justices" and "justice" shall mean respectively justices or a justice of the peace acting for the county, city, borough, liberty, cinque port, or place where the matter requiring the cognizance of such jus-

tices or justice arises, and not interested in the matter, and where such matter arises in respect of lands being the property of one and the same party, situate not wholly in one county, city, borough, liberty, cinque port, or place, shall mean justices or a justice acting for the county, city, borough, liberty, cinque port, or place where any part of such lands is situate, and not interested in such matter; and the expression "two justices" shall mean two justices assembled and acting together:

The word "owner" shall include any corporation or person having authority under this Act, or otherwise, to agree with the said Secretary of State as to the purchase money or compensation to be paid for any lands.

48. *Short titles of 5 & 6 Vict. c. 94, 18 & 19 Vict. c. 117, and this Act.* The said Act of the fifth and sixth years of her Majesty may be cited as "The Defence Act, 1842," the said Act of the eighteenth and nineteenth years of her Majesty may be cited as "The Ordnance Board Transfer Act, 1855," and this Act may be cited as "The Defence Act, 1860."

CAP. CXIII.

An Act to grant Duties of Excise on Chicory, and on Licences to Dealers in Sweets or Made Wines; also to reduce the Excise Duty on Hops and the Period of Credit allowed for Payment of the Duty on Malt and Hops respectively; to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wines and Spirits in Bond; and to amend the Laws relating to the Excise. [28th August, 1860.]

CAP. CXIV.

An Act to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits. [28th August, 1860.]

CAP. CXV.

An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments. [28th August, 1860.]

WHEREAS by several Acts of Parliament debts and obligations to the Crown, judgments, pending suits, and annuities are severally required to be registered in the office of the senior master of the Court of Common Pleas at Westminster, in order to affect any lands, tenements, and hereditaments sought to be charged therewith, and it is expedient to simplify and amend the practice with respect to the entry of satisfaction or discharge on the registry thereof respectively: be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Provisions of ss. 195, 196, and 197 of 16 & 17 Vict. c. 107, extended to all bonds to the Crown.* All the powers, provisions, and regulations concerning bonds and other securities relating to the customs contained in sections one hundred and ninety-five, one hundred and ninety-six, and one hundred and ninety-seven of the Act passed in the session of Parliament holden in the sixteenth and seventeenth years of her Majesty's reign, chapter one hundred and seven, shall, *mutatis mutandis*, be deemed to extend and shall be applied to all bonds and other securities entered into or given to her Majesty, her heirs or successors: provided always, that in every case in which under the provisions of the said sections any certificate is required to be signed or any, other matter authorised to be done by the commissioners of customs, or any number of them, any such certificate or matter in relation to any bond or other security concerning or incident to any public department shall respectively be signed and done by the respective commissioners or other principal officers of such department, or any two of them respectively, or if there shall be only one such commissioner or principal officer then by him, as the case may be, or if there shall be no such commissioner or other principal officer then by the Commissioners of her Majesty's Treasury or any two of them. (a)

(a) The Act here referred to is the "Customs Consolidation Act, 1853," and the provisions which are here extended to all

Crown bonds and securities form the sixth part of that statute, and are to the following effect:—

1. All securities for the performance of any condition, order, or matter relative or incident to the customs "shall be valid in law," and on breach may be proceeded upon as any bond expressly given under the provisions of a customs Act, and shall be taken to or for the use of her Majesty; and, unless given in respect of warehoused goods, may after a certain period be cancelled by the commissioners of customs, and "shall be valid though given by persons under twenty-one years of age." Consequently by the present Act all securities given to the Crown will be valid in law (whatever may be the nature of their conditions or of the order or matter in respect of which they are given), and that even though they are given by *minors*. No other part of this section can in its nature be extended to other than customs securities.

2. Satisfaction of any bond relating to the customs which shall have been registered in the Common Pleas, and of which the condition shall have been satisfied may be entered by the master on the record in a form given by that Act on the production of a certificate under the hands of two or more of the commissioners of customs; whereupon the bond or obligation shall be discharged and the lands thereby affected released and exonerated from all claims in respect thereof.

3. When any such bond has been registered in the Common Pleas under 2 & 3 Vict. c. 11, and the commissioners shall think it necessary to exonerate the whole or any part of the lands of any obligor of such bond from liability in respect thereof, such lands or any part thereof may be exonerated accordingly, by certificate (according to a form given in that Act) of two or more of the commissioners, the consent (if it shall be considered necessary) of any co-obligor having been first required; whereupon the lands mentioned in the certificate shall be held to be wholly exonerated and discharged in respect of such bond or obligation, and which certificate shall be accepted by all persons, and in all courts, as sufficient evidence of such exoneration.

2. *As to entry of satisfaction on judgments.* The senior master of the Court of Common Pleas at Westminster may, upon the filing with him of an acknowledgment in the form or to the effect following, be at liberty to enter a satisfaction or discharge as to any registered judgment, pending suit, *lis pendens*, decree, order, rule, annuity, or rentcharge, or writ of execution, and such officer shall be entitled for any such registry of satisfaction or discharge to the sum of two shillings and sixpence, and no more; and such senior master may issue certificates of the entry of any satisfaction or discharge, and may charge the sum of one shilling for every such certificate. (b)

(b) The law as to entry of satisfaction on a judgment generally is to the following effect. When the judgment has been satisfied either by payment, or by the taking the body on a *ca. sa.* or otherwise, the debtor is intitled to have satisfaction entered on the roll of the court (see *Cannon v. Reynolds*, 3 W. R. Q. B. 546). And the plaintiff will be compelled to give the necessary authority to the officers of the court to make the entry. This authority is fixed by Reg. Gen. H. T., 1853 (Pr.) r. 80, which gives a form of *satisfaction piece* (as it is called) for the purpose, to be signed by the parties interested or by their personal representatives; and to be attested by a practising attorney, similarly to a warrant of attorney or *cognovit*.

The present provision takes no notice of this general right of a judgment debtor to have any judgment entered as satisfied upon the record, without reference to its registration; and will only govern the practice with regard to the entry of satisfaction of judgments which have been registered under 1 & 2 Vict. c. 110, ss. 11, 13, or 2 & 3 Vict. c. 11, so as to bind lands as against purchasers, &c., and creditors. The form here given, differs slightly from that given by the Rule of Court for other

judgments, and among other distinctions expressly nominates and appoints the particular attorney by whom its execution is to be witnessed and attested. It will be observed that the form now given will be the proper one not only for registered judgments, but also to satisfy or discharge any pending suit, decree, order, rule, annuity, rentcharge, or execution writ.

Form of Acknowledgment of Satisfaction.

Satisfaction is acknowledged between
C.D. as to a A.B. and
day of 18 for the sum of £ a memorandum of which
said was left with the senior master of the Court of Common
Pleas at Westminster on the day of 18 to af-
fect the estate of and [if so] on the writ of execution thereon,
dated the day of 18, a memorandum of which
was left with the said master on the day of 18.

And (or the executor or administrator of) do hereby
expressly nominate and appoint of
attorney-at-law to witness and attest the execution of this acknowledg-
ment of satisfaction.

Signed by the said In the pre-
sence of me, the undersigned
one of the attorneys of her Majesty's Court
of at Westminster, and I hereby
declare myself to be the attorney for and
on behalf of the said
expressly named by and attend-
ing at request to inform him of
the nature and effect of this acknowl-
edgment of satisfaction (which I accordingly
did before the same was signed by),
and I also declare that I subscribe my name
as witness thereto as such attorney.

the above-named [or F.G.,
executor or administrator
of] the
day of 18.

CAP. CXVI.

An Act to amend the Law relating to the Election, Duties, and Payment of County Coroners.

[28th August, 1860.]

WHEREAS it is expedient to amend the law with respect to the election and payment of coroners for counties, and to extend the provisions of the Act seven and eight Victoria, chapter ninety-two, to all counties, whether divided into districts or not: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

1. *Provisions of 7 & 8 Vict. c. 92, extended to all counties, although not divided into districts for the purposes of such Act.* From and after the passing of this Act, all the provisions of the Act seven and eight Victoria, chapter ninety-two, shall, so far as the same may be applicable to the election of coroners, be extended and be construed to extend and apply to all counties, notwithstanding the same may not have been divided into two or more districts for the purposes of such Act; and every election of a coroner for a county not so divided as aforesaid which may have taken place previous to the passing of this Act, shall be and the same is hereby declared to be as legal and valid to all intents and purposes whatsoever as if such election had taken place subsequent to the passing of this Act. (a)

(a) Before this provision, in counties which had not been divided into coroner's districts under 7 & 8 Vict. c. 92, the election was for the coronership, or for one of the coronerships, of the whole county. Large counties had usually (according to Blackstone), as many as six coroners. (See Fitz. N. B. 163.)

2. *Polling at elections for coroners to continue for one day only.* From and after the passing of this Act, so much of the Act seven and eight Victoria, chapter ninety-two, as authorises the polling at elections for coroners to continue for two days shall be and the same is hereby repealed, and thenceforth such polling shall continue for one day only.

3. *Provisions as to remuneration of coroners by fees repealed.* From and after the thirty-first day of December, one thousand eight hundred and sixty, so much of any Act as provides for the remuneration of county coroners by fees, mileage, and allowances, shall be and the same is hereby repealed. (b)

(b) The provisions here referred to are chiefly those contained in 7 Will. 4 & 1 Vict. c. 68, and 25 Geo. 2, c. 29. These provisions with regard to coroner's fees have given rise to much litigation. See, for example, *The Queen v. Carmarthenshire*

Justices of (10 Q. B. 796). It may be remarked that it has hitherto fallen upon the coroner (under 7 Will. 4 & 1 Vict. c. 68) to advance out of his own pocket the expenses necessarily incurred at inquests—such as the fees to the medical witnesses under 6 & 7 Will. 4, c. 89, or specified in a schedule authorised at quarter-sessions. The provision in the present Act makes no reference to these payments, and apparently is intended to apply only to the coroner's personal remuneration; though, at the same time, the salary is to be calculated on the average not only of the fees and mileage (which would be for the coroner's own remuneration), but also of the allowances, which would seem to include his disbursements.

4. *County coroners to be paid by salary.* On and after the first day of January, one thousand eight hundred and sixty-one, there shall be paid to every county coroner, in lieu of the fees, mileage, and allowances which if this Act had not been passed he would have been entitled to receive, such an annual salary as shall be agreed upon between him and the justices in general or quarter sessions assembled for the county for which, or for some portion of which, such coroner shall act, such salary in the case of any person holding the office of county coroner at the time of the passing of this Act not being less than the average amount of the fees, mileage, and allowances actually received by such coroner and his predecessors, if any, for the five years immediately preceding the thirty-first day of December, one thousand eight hundred and fifty-nine; and such salary shall be paid quarterly to such coroner by the treasurer of the county out of the county rate; and whenever from death, removal, or any other cause whatever any county coroner shall not be entitled to a salary for the whole of a quarter, a proportionate part of the salary shall be paid to him, or, in case of his death, to his personal representatives: provided always, that in case any such justices and any such county coroner as aforesaid shall be unable to agree as to the amount of the salary to be paid to such coroner, it shall be lawful for her Majesty's principal Secretary of State for the Home Department, and he is required, upon the application of such coroner, to fix and determine the amount of such salary, having regard to such average as aforesaid, also the average number of inquests held by any such coroner in the preceding five years as aforesaid, and also to the special circumstances of each case, and the general scale of salaries of county coroners; provided also, that after the lapse of every successive period of five years it shall be lawful for any such justices and such coroner as aforesaid to revise, and thereby increase or diminish any such salary, having regard to the average number of inquests held by any such coroner in the five years immediately preceding, and subject in case of their disagreement to such appeal to the Home Secretary as before mentioned: provided always, that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid out of the county rate the expenses and disbursements which may have been paid or made by him on the holding of any inquest as provided by the Act first Victoria, chapter sixty-eight.

5. *If coroner refuse to hold inquest application may be made to a judge for a rule to show cause.* If any coroner shall refuse or neglect to hold an inquest in any case when such inquest ought to be held, it shall be lawful for her Majesty's Attorney-General to apply to the Court of Queen's Bench, or during vacation to a judge of any one of her Majesty's superior courts of law at Westminster, for a rule calling on such coroner to show cause why he should not hold such inquest, and if, after due service of such rule good cause shall not be shown against it, it shall be lawful for the judge to make such rule absolute, with or without payment of costs as to such judge shall seem meet; and the coroner, upon being served with such rule absolute, shall obey the same, and hold such inquest, upon pain of being liable to an attachment in case of refusal or neglect. (c)

(c) Prior to this provision there appears to have been no direct way of compelling a coroner to hold an inquest.

6. *Power to remove coroner.* It shall be lawful for the Lord Chancellor, if he shall think fit, to remove for inability or misbehaviour in his office any such coroner already elected or appointed, or hereafter to be elected or appointed. (d)

(d) The power of removing a coroner for inability or misbehaviour is by this section given to the Lord Chancellor, but

(as it is apprehended) it is not intended to affect the jurisdiction of the Court of Queen's Bench upon the writ *de coronatore exonerando*. By statute 25 Geo. 2, c. 29, extortion and neglect of his office are made express causes of removal, though (subject to the power of being removed) the office is a freehold one, and held for life.

7. *County of Chester to be henceforth subject to the general law.* From and after the passing of this Act so much of the Public General Act seventh and eighth Victoria, chapter ninety-two, as exempts the county of Chester from the provisions of that Act, and also the Local and Personal Act three Victoria, chapter eighty-seven, authorising the appointment of additional coroners for the county palatine of Chester (except the twenty-first section of that Act, so far as regards the head coroners now in office for the three divisions into which that county is now divided), and also so much of the Act of the thirty-third year of King Henry the Eighth, chapter thirteen, as relates to coroners for the shire of Chester are hereby repealed, and all the provisions of this Act, and of the Public General Act seventh and eighth Victoria, chapter ninety-two (except the said exemption), and all other Public General Acts, laws, statutes, and usages relating to coroners for counties, from time to time in force, shall, from and after the passing of this Act, extend and apply to the county of Chester and the coroners for the divisions into which that county is now or hereafter may be divided: provided always, that notwithstanding such repeal the present divisions of the county of Chester under the powers of the said Local and Personal Act, three Victoria, chapter eighty-seven, shall continue, unless and until that county shall be divided into other districts under the powers of the said Public General Act, seventh and eighth Victoria, chapter ninety-two, and the said present divisions shall be deemed to have been made under the last-mentioned Act, without prejudice to the provisions contained in the twenty-first section of the said Local and Personal Act so far as regards the present head coroners of the said county; provided also, that such repeal shall not invalidate or affect the election of the present head coroners for the said county, but (subject to any future alteration or division of their respective divisions or districts under the Public General Act, seventh and eighth Victoria, chapter ninety-two) they shall continue in office as if such repeal had not taken place.

8. *Interpretation of "county."* The word "county" in and throughout this Act shall be deemed and taken to include all counties, ridings, divisions, hundreds, wards, liberties, and other places the coroners whereof are paid out of the county rates.

9. *Saving rights of the Crown, &c.* Nothing herein contained shall be construed to abridge or affect the royal prerogative, or any right vested in any person or persons, to appoint by patent or by election, or otherwise, any coroner for any city, borough, liberty, franchise, manor, or place, or the authority of the Lord Chancellor, or to issue a writ *de coronatore eligendo*.

10. *Extent of Acts.* The said Act of the seventh and eighth Victoria, chapter ninety-two (as varied by this Act), and this Act, shall extend only to that part of the United Kingdom called England and Wales.

CAP. CXVII.

An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum for Scotland.

[28th August, 1860.]

CAP. CXVIII.

An Act to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of Nottingham, Sunderland, Hastings, Reading, Chatham, Dartmouth, Tunbridge Wells, Sheerness, Sandgate, Wilton, Bridgnorth, and Dorchester.

[28th August, 1860.]

CAP. CXIX.

An Act to amend the Law relating to Weights and Measures in Ireland.

[28th August, 1860.]

CAP. CXX.

An Act to amend the Laws relating to the Ballots for the Militia in England, and to suspend the making of

Lists and Ballots for the Militia of the United Kingdom.
[28th August, 1860.]

CAP. CXXI.

An Act to amend an Act passed in the Sixth Year of Her Majesty Queen Victoria, intituled "An Act to enable Her Majesty to provide for the Government of Her Settlements on the Coast of Africa and in the Falkland Islands."

[28th August, 1860.]

CAP. CXXII.

An Act to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act Ninth George the Fourth, Chapter Thirty-one, Section Eight.

[28th August, 1860.]

WHEREAS by an Act passed in the ninth year of his late Majesty George the Fourth, intituled an Act for Consolidating and Amending the Statutes in England relating to Offences against the Person, it was enacted (amongst other things), that where any person, being feloniously stricken, poisoned, or otherwise hurt at any place in England, should die of such stroke, poisoning, or hurt upon the sea or at any place out of England, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, might be dealt with, inquired for, tried, determined, and punished in the country or place in England in which such stroke, poisoning, or hurt should happen, in the same manner in all respects as if such offence had been wholly committed in that country or place; and whereas it may be desirable that provisions similar or analogous to the above-recited provisions should be made with respect to offences committed within her Majesty's possessions abroad; and whereas doubts are entertained whether it is competent to the legislature of any such possession to make such provision: he it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Legislatures of possessions abroad empowered to make ordinances enacting to the like effect as in provisions of sect. 8 of 9 G. 4. c. 31.]* It shall be lawful for the legislature of any of her Majesty's possessions abroad to enact by any law or ordinance, to be by them made in the usual manner, that where any person, being feloniously stricken, poisoned, or otherwise hurt at any place within the limits of such possessions, shall die of such stroke, poisoning, or hurt upon the sea or at any place out of the limits of such possession, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in the possession within the limits of which such stroke, poisoning, or hurt shall happen, in the same manner in all respects as if such offence had been wholly committed within the limits of such possession, or such legislature may enact, by any such law or ordinance to be made as aforesaid, to the like effect.

CAP. CXXIII.

An Act to amend the Laws relating to the Government of the Navy.

[28th August, 1860.]

WHEREAS it is expedient to amend the laws relating to the government of the navy, whereon, under the good providence of God, the wealth, safety, and strength of the kingdom chiefly depend: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

ARTICLES OF WAR.

Public Worship.

1. *Public worship to be performed.]* All officers in command of her Majesty's ships of war shall cause the public worship of Almighty God according to the liturgy of the Church of England established by law to be solemnly, orderly, and reverently performed in their respective ships, and shall take care that prayers and preaching, by the chaplains in holy

orders of the respective ships, be performed diligently, and that the Lord's Day be observed according to law.

Misconduct in the Presence of the Enemy.

2. *Penalty for misconduct in action.*] Every flag officer, captain, commander or officer commanding subject to this Act who upon signal of battle, or on sight of a ship of an enemy which it may be his duty to engage, shall not,

- (1) Use his utmost exertion to bring his ship into action;
- (2) Or shall not during such action, in his own person and according to his rank, encourage his inferior officers and men to fight courageously;
- (3) Or who shall surrender his ship to the enemy when capable of making a successful defence, or who in time of action shall improperly withdraw from the fight, shall, if he has acted traitorously, suffer death; if he has acted from cowardice shall suffer death, or be imprisoned, and be also dismissed with disgrace from her Majesty's service; and if he has acted from negligence, or through other default, he shall be dismissed from her Majesty's service with or without disgrace, or shall suffer such other punishment as is herein-after mentioned.

3. *Penalty for not pursuing the enemy and of not assisting a friend in view.*] Every officer subject to this Act who shall forbear to pursue the chase of any enemy, pirate, or rebel, beaten or flying, or shall not relieve and assist a known friend in view to the utmost of his power, or who shall improperly forsake his station, shall, if he has therein acted traitorously, suffer death; if he has acted from cowardice, suffer death or be imprisoned; if he has acted from negligence, or through other default, shall be dismissed from her Majesty's service, with or without disgrace, or shall suffer such other punishment as is herein-after mentioned.

4. *Penalty for delaying or discouraging the service, or deserting his post, &c.*] When any action or any service is commanded, every person subject to this Act who shall presume to delay or discourage the said action or service upon any pretence whatsoever, or in the presence or vicinity of the enemy shall desert his post or sleep upon his watch, shall suffer death, or such other punishment as is herein-after mentioned.

5. *Penalty for misconduct of subordinate officers and men in action.*] Every person subject to this Act, and not being a commanding officer, who shall not use his utmost exertions to carry the orders of his superior officers into execution when ordered to prepare for action, or during the action, shall, if he has acted traitorously, suffer death; if he has acted from cowardice shall suffer death, or be imprisoned; and if he has acted from negligence, or through other default, be dismissed from her Majesty's service, with or without disgrace, or suffer other punishment as is herein-after mentioned.

Communications with the Enemy.

6. *Penalty for spies.*] All spies for the enemy shall be deemed to be persons subject to this Act, and shall suffer death, or such other punishment as is herein-after mentioned.

7. *Penalty for corresponding, &c. with the enemy.*] Every person subject to this Act who shall traitorously hold—

- (1) Correspondence with or shall give intelligence to the enemy;
- (2) Or fail to make known to the proper authorities any information he may have received from the enemy;
- (3) Or who shall relieve the enemy with any supplies, shall suffer death, or such other punishment as is herein-after mentioned.

8. *Penalty for improper communication with the enemy.*] Every person subject to this Act who shall, without any treacherous intention, hold any improper communication with the enemy, shall be dismissed from her Majesty's service, or shall suffer such other punishment as is herein-after mentioned.

Neglect of Duty.

9. *Penalty for abandoning posts, &c.*] Every person subject to this Act who shall desert his post or sleep upon his watch, or negligently perform the duty imposed on him, shall be dismissed from her Majesty's service, with or without disgrace, or shall suffer such other punishment as is herein-after mentioned.

Mutiny.

10. *Penalty for mutiny with violence.*] Where mutiny is accompanied by violence, every person subject to this Act who shall join therein shall suffer death, penal servitude, or imprisonment; and every person subject to this Act who shall not use

his utmost exertions to suppress such mutiny shall, if he has acted traitorously, suffer death, penal servitude, or imprisonment; if he has acted from cowardice, shall suffer penal servitude or imprisonment; if he has acted from negligence he shall be dismissed from her Majesty's service, with or without disgrace, or suffer such other punishment as is herein-after mentioned.

11. *Penalty for mutiny not accompanied by acts of violence.*] Where a mutiny is not accompanied by violence, the ringleaders of such mutiny shall suffer death, penal servitude, or imprisonment; and all other persons who shall join in such mutiny, or shall not use their utmost exertions to suppress the same, shall suffer imprisonment, or such other punishment as is herein-after mentioned.

12. *Penalty for inciting to mutiny.*] Every person subject to this Act who shall endeavour to seduce any other person subject to this Act from his duty or allegiance to her Majesty, or endeavour to incite him to commit any act of mutiny, shall suffer death, penal servitude, imprisonment, or such other punishment as is herein-after mentioned.

13. *Penalty for civilians endeavouring to seduce from allegiance.*] Every person, not otherwise subject to this Act, who, being on board any ship of her Majesty, shall endeavour to seduce from his duty or allegiance to her Majesty any person subject to this Act, shall so far as respects such offence be deemed to be a person subject to this Act, and shall suffer death or such other punishment as is herein-after mentioned.

14. *Penalty for making mutinous assemblies or uttering seditious words.*] Every person subject to this Act who shall make or endeavour to make any mutinous assembly, or shall lead or incite any other person to join in any mutinous assembly, or shall utter any words of sedition or mutiny, shall suffer penal servitude, imprisonment, or such other punishment as is herein-after mentioned.

15. *Penalty for concealing any traitorous or mutinous practice, design, or words.*] Every person subject to this Act who shall wilfully conceal any traitorous or mutinous practice or design, or any traitorous or mutinous words spoken against her Majesty, or any words, practice, or design tending to the hindrance of the service, shall suffer penal servitude, imprisonment, or such other punishment as is herein-after mentioned.

16. *Penalty for striking or offering to strike superior officer.*] Every person subject to this Act who shall strike or offer to strike or use any violence against his superior officer, being in the execution of his office, shall be punished with death, penal servitude, imprisonment, or such other punishment as is herein-after mentioned; and every person subject to this Act who shall strike or offer to strike, or use any violence against his superior officer, not being in the execution of his office shall be punished with penal servitude or such other punishment as is herein-after mentioned.

Insubordination.

17. *Penalty for disobedience or using threatening language to superior officer.*] Every person who shall wilfully disobey any lawful command of his superior officer, or shall use threatening or insulting language or behave with contempt to his superior officer, shall be punished with dismissal from her Majesty's service, with or without disgrace, or suffer imprisonment or such other punishment as is herein-after mentioned.

18. *Penalty for quarrelling, &c., or using reproachful speech or gestures.*] Every person subject to this Act who shall quarrel or fight with any other person, whether such other person be or be not subject to this Act, or shall use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, shall suffer imprisonment or such other punishment as is herein after mentioned.

Desertion and Absence without Leave.

19. *Penalty for desertion.*] Every person subject to this Act who shall absent himself from his ship or from the place where his duty requires him to be, without any intention of returning to such ship or place, or who shall at any time and under any circumstances when absent from his ship do any act which shows that he has not any intention of returning to such ship or place, shall be deemed to have deserted, and shall be punished accordingly; that is to say,

- (1) If he has deserted to the enemy he shall be punished with death, penal servitude, or such other punishment as is herein-after mentioned;
- (2) If he has deserted under any other circumstances he shall be punished with penal servitude or such other punishment as is herein-after mentioned;

and in every such case he shall forfeit all pay, head money, bounty, salvage, prize money, and allowances that have been earned by him, and all annuities, pensions, gratuities, medals, and decorations that may have been granted to him, and also all clothes and effects which he may have left on board the ship or at the place from which he has deserted, unless the tribunal by which he is tried shall otherwise direct.

20. *Penalty for inducing any person to desert.*] Every person subject to this Act who shall endeavour to seduce any other person subject to this Act to desert shall suffer imprisonment, or such other punishment as is herein-after mentioned.

21. *Penalty for entertaining a deserter.*] Every officer in command of any ship of her Majesty who shall receive or entertain any deserter from her Majesty's military or naval forces, after discovering him to be a deserter, and shall not, with all convenient speed, in the case of a deserter from her Majesty's naval forces, give notice to the commanding officer of the ship to which such deserter belongs, or, if such ship is at a distance, to the Secretary of the Admiralty or to the Commander-in-Chief, or in case of a deserter from her Majesty's military forces, give notice to the Secretary of War or the commanding officer of the regiment to which such deserter belongs, the officer so offending shall be dismissed from her Majesty's service, or shall suffer such other punishment as is herein-after mentioned.

22. *Penalty for absence without leave.*] Every person subject to this Act who shall be absent without leave shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, or such other punishment as the circumstances of the case may require, and shall also forfeit out of his wages a sum not exceeding the amount of two days' pay, exclusive of all charges of apprehension, and in addition for every twenty-five hours of absence a sum not exceeding six days' pay; and any person may be deemed to be absent without leave, notwithstanding his absence may not have been voluntary, but may have been caused by imprisonment under any commitment or any offence against the law.

Miscellaneous Offences.

23. *Penalty for profane swearing and other immoralities.*] Every person subject to this Act who shall be guilty of profane oaths, cursings, execrations, drunkenness, uncleanness, or other scandalous actions in derogation of God's honour and corruption of good manners, shall be dismissed from her Majesty's service, or suffer such other punishment as is herein-after mentioned.

24. *Penalty on officer for cruelty or oppression.*] Every officer subject to this Act who shall be guilty of cruelty, or of any scandalous or fraudulent conduct, shall be dismissed with disgrace from her Majesty's service; and every officer subject to this Act who shall be guilty of any other conduct unbecoming the character of an officer shall be dismissed, with or without disgrace, from her Majesty's service.

25. *Penalty for suffering ships to be improperly lost.*] Every person subject to this Act who shall either designedly or negligently suffer any ship of her Majesty to be improperly lost, stranded, or hazarded, shall be dismissed from her Majesty's service, with or without disgrace, or suffer imprisonment or such other punishment as is herein-after mentioned.

26. *Penalty for not taking care of and defending ships under convoy.*] The officers of all ships of her Majesty appointed for the convoy and protection of other ships or vessels shall diligently perform their duty without delay according to their instructions in that behalf; and every officer who shall fail in his duty in this respect, and shall not defend the ships and goods under his convoy, without deviation to any other objects, or shall refuse to fight in their defence if they are assailed, or shall cowardly abandon and expose the ships in his convoy to hazard, or shall demand or exact any money or other reward from any merchant or master for convoying any ships or vessels entrusted to his care, or shall misuse the masters or mariners thereof, shall make such reparation in damages to the merchants, owners, and others as the Court of Admiralty may adjudge, and also shall be punished criminally according to the nature of his offence, by death or such other punishment as is herein-after mentioned.

27. *Master of merchant vessel to obey orders of convoying officer.*] Every master or other officer in command of any merchant or other vessel under the convoy of any ship of her Majesty shall obey the commanding officer thereof in all matters relating to the navigation or security of the convoy, and shall take such precautions for avoiding the enemy as may be

directed by such commanding officer; and if he shall fail to obey such directions such commanding officer may compel obedience by force of arms, without being liable for any loss of life or of property that may result from his using such force.

28. *Penalty for taking any goods on board other than for the use of the vessel, except gold, silver, jewels, &c.*] Every officer in command of any of her Majesty's ships who shall receive on board, or permit to be received on board, such ship any goods or merchandise whatsoever, other than for the sole use of the ship, except gold, silver, or jewels, and except the goods and merchandise belonging to any merchant or on board any ship which may be shipwrecked or in imminent danger, either on the high seas or in some port, creek, or harbour, for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may at any time be ordered to take or receive on board by order of the Admiralty, shall be dismissed from her Majesty's service, or suffer such other punishment as is herein-after mentioned.

29. *Penalty for embezzling public stores.*] Every person subject to this Act who shall wastefully expend, embezzle, or fraudulently buy, sell, or receive, any ammunition, provisions, or other public stores, and every person subject to this Act who shall knowingly permit any such wasteful expenditure, embezzlement, sale, or receipt, shall suffer imprisonment or such other punishment as is herein-after mentioned.

30. *Penalty for burning any magazine or vessel, &c., not belonging to an enemy.*] Every person subject to this Act who shall unlawfully set fire to any dockyard, victualling yard, or steam factory yard, arsenal, magazine, building, stores, or to any ship, or furniture thereunto belonging, not being the property of an enemy, pirate, or rebel, shall suffer death or such other punishment as is herein-after mentioned.

31. *Penalty for making or signing false musters.*] Every person subject to this Act who shall knowingly make or sign a false muster or record or other official document, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof shall be dismissed from her Majesty's service, with or without disgrace, or suffer such other punishment as is herein-after mentioned.

32. *Penalty for misconduct in hospital.*] Every person subject to this Act who shall wilfully do any act, or wilfully disobey any orders, whether in hospital or elsewhere, with intent to produce or to aggravate any disease or infirmity, or to delay his cure, or who shall feign any disease, infirmity, or inability to perform his duty, shall suffer imprisonment, or such other punishment as is herein-after mentioned.

33. *Penalty for endeavouring to stir up any disturbance on account of unwholesomeness of the victuals or other just grounds.*] Every person subject to this Act who shall have any cause of complaint, either of the unwholesomeness of the victuals or upon any other just ground, shall quietly make the same known to his superior, or captain, or commander-in-chief, and the said superior, captain, or commander-in-chief shall, as far as he is able, cause the same to be presently remedied; and no person subject to this Act upon any pretence whatever shall attempt to stir up any disturbance, upon pain of such punishment as a court-martial may think fit to inflict, according to the degree of offence.

34. *Penalty for offences against discipline not particularly mentioned.*] Every person subject to this Act who shall be guilty of any act, disorder, or neglect to the prejudice of good order and naval discipline, not herein-before specified, shall suffer imprisonment, or such other punishment as is herein-after mentioned.

35. *Penalty for not sending to the Court of Admiralty all papers found aboard prize ships.*] All papers, charter parties, bills of lading, passports, and other writings whatsoever that shall be taken, seized, or found aboard any ship or ships which shall be taken as prize shall be duly preserved, and the commanding officer of the ship which shall take such prize shall send the originals entire and without fraud to the Court of Admiralty, or such other court or commissioners as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of, and proceeded upon, according to law, upon pain that every person offending herein shall be dismissed from her Majesty's service, or shall suffer such further punishment as is herein-after mentioned, and in addition thereto shall forfeit and lose his share of the capture.

36. *Penalty for taking money or other effects out of any prize*

before the same shall be condemned.] No person subject to this Act shall take out of any prize or ship seized for prize any money, plate, or goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of her Majesty's ships and vessels of war, before the same be adjudged lawful prize in some admiralty court; but the full and entire account of the whole without embezzlement shall be brought in, and judgment passed entirely upon the whole, without fraud, upon pain that every person offending herein shall be dismissed from her Majesty's service, with or without disgrace, or suffer such other punishment as is herein-after mentioned, and in addition thereto forfeit and lose his share of the capture.

37. Penalty for stripping or ill-using persons taken on board a prize.] If any ship or vessel shall be taken as prize, none of the officers, mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten, or evil intreated, upon pain that the person or persons so offending shall be dismissed from her Majesty's service, with or without disgrace, or suffer such other punishment as is herein-after mentioned.

OFFENCES PUNISHABLE BY ORDINARY LAW.

38. Penalty for offences punishable by ordinary law.] Every person subject to this Act who shall be guilty of murder shall suffer death:

If he shall be guilty of manslaughter he shall suffer penal servitude, imprisonment, or such other punishment as is herein-after mentioned:

If he shall be guilty of sodomy with man or beast he shall suffer penal servitude:

If he shall be guilty of indecent assaults he shall suffer penal servitude or such other punishment as is herein-after mentioned:

If he shall be guilty of robbery or theft he shall suffer penal servitude, imprisonment, or such other punishment as is herein-after mentioned:

If he shall be guilty of any other criminal offence punishable by the laws of England, he shall be punished either in pursuance of the first part of this Act as an act to the prejudice of good order and naval discipline not otherwise specified, or the offender shall be subject to the same punishment as might be awarded by any civil tribunal competent to try the offender.

39. Offences, when punishable.] For all offences specified or referred to in this Act, if committed by any person subject thereto in any harbour, haven, or creek, or on any lake or river, whether in or out of the United Kingdom or anywhere within the jurisdiction of the Admiralty, or at any place on shore out of the United Kingdom of Great Britain and Ireland, or in any of her Majesty's dockyards, victualling yards, steam factory yards, or on any gun wharf, or in any arsenal, barrack, or hospital belonging to her Majesty, whether in or out of the said United Kingdom, the offender may be tried and punished under this Act, and for all offences herein-before specified under the headings "Communications with the Enemy," "Mutiny," "Insubordination," "Desertion and Absence without Leave," or "Miscellaneous Offences," if committed by any person subject to this Act at any place on shore, whether in or out of the said United Kingdom, the offender may be tried and punished under this Act.

PART II.

GENERAL PROVISIONS.

40. Power of court-martial to find intent with which offence committed.] Where the amount of punishment for any offence under this Act depends upon the intent with which it has been committed, and any prisoner is charged with having committed such offence with an intent involving a greater degree of punishment, a court-martial may find that the offence was committed with an intent involving a less degree of punishment, and award such punishment accordingly.

41. Power of court-martial to find prisoner guilty of lesser offence on charge of greater.] Where any prisoner shall be charged with murder, a court-martial may find him guilty of manslaughter or of a common assault; where he shall be charged with sodomy, a court-martial may find him guilty of an indecent assault; where he shall be charged with theft, a court-martial may find him guilty of an attempt to steal, or of embezzlement, or of wrongful appropriation of property belonging to another; and generally where any prisoner shall be charged with any offence under this Act he may upon failure of proof of the commission of the greater offence be found

guilty of another offence of the same class, involving a less degree of punishment, but not of any offence involving a greater degree of punishment.

42. Rebels and mutineers to be deemed enemies.] All armed rebels, armed mutineers, and pirates shall be deemed to be enemies within the meaning of this Act.

43. Power to arrest offenders.] Every officer in command of one of her Majesty's ships may, by warrant under his hand, authorise any person to arrest an offender belonging to such ship for any offence against this Act mentioned in such warrant; and any person so authorised may use force, if necessary, for the purpose of effecting such apprehension, towards any person subject to this Act.

44. Penalty for not assisting in detection of prisoners.] Every person subject to this Act who shall not use his utmost endeavours to detect, apprehend, and bring to punishment all offenders against this Act, and shall not assist the officers appointed for that purpose, shall suffer imprisonment or such other punishment as is herein-after mentioned.

PART III.

REGULATIONS AS TO PUNISHMENTS.

45. Punishments.] The following punishments may be inflicted in her Majesty's navy:

- (1.) Death:
- (2.) Penal servitude:
- (3.) Dismissal with disgrace from her Majesty's service:
- (4.) Imprisonment or corporal punishment:
- (5.) Dismissal from her Majesty's service:
- (6.) Forfeiture of seniority as an officer, for a specified time or otherwise:
- (7.) Dismissal from the ship to which the offender belongs:
- (8.) Severe reprimand, or reprimand:
- (9.) Disgracing a subordinate or petty officer:
- (10.) Forfeiture of pay, head money, bounty, salvage, prize money, and allowances earned by and of all annuities, pensions, gratuities, medals, and decorations granted to the offender, or of any one or more of the above particulars; also, in the case of desertion, of all clothes and effects left by the deserter on board the ship to which he belongs.
- (11.) Such minor punishments as are now inflicted according to the custom of the navy, or may from time to time be allowed by the Admiralty:

and each of the above punishments shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

46. Regulations as to punishments.] The following regulations are hereby made with respect to the infliction of punishments in her Majesty's navy:

- (1.) The Admiralty may, except in case of sentence of death, which shall only be remitted by her Majesty, suspend, annul, or modify any sentence passed on any person subject to this Act:
- (2.) Judgment of death shall not be passed on any prisoner unless four at least of the officers present at the court-martial, where the number does not exceed five, and in others a majority of not less than two-thirds of the officers present, concur in the sentence:
- (3.) The punishment of death shall not be inflicted on any prisoner until the sentence has been confirmed by the Admiralty or by the commander-in-chief on a foreign station:
- (4.) The punishment of penal servitude may be inflicted for the term of life, or for any other term of not less than four years:
- (5.) The punishment of penal servitude shall in all cases involve dismissal with disgrace from her Majesty's service:
- (6.) Dismissal with disgrace shall involve in all cases a forfeiture of all pay, head money, bounty, salvage, prize money, and allowances that have been earned by, and of all annuities, pensions, gratuities, medals, and decorations that may have been granted to the offender, and an incapacity to serve her Majesty again in any military, naval, or civil service; and may also in all cases be accompanied by a sentence of imprisonment, with or without solitary confinement not exceeding the periods herein-after mentioned, and with or without hard labour for all or any part of the term of imprisonment, and with or without corporal punishment:

(7.) The punishment of imprisonment may be inflicted for any term not exceeding two years; it may be accompanied with a direction that the prisoner shall be kept in solitary confinement for any period of such term not exceeding fourteen days at any one time, and not exceeding eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than the periods of solitary confinement, and when the imprisonment awarded exceeds eighty-four days, the solitary confinement shall not exceed seven days in any twenty-eight days of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods, or the punishment of imprisonment may be accompanied with a direction that the prisoner shall be kept to hard labour for all or any part of the term of imprisonment; and corporal punishment may be awarded in addition to any sentence of imprisonment: in any case of corporal punishment, not more than forty-eight lashes shall be inflicted:

(8.) No officer shall be subject to corporal punishment: no petty or non-commissioned officer shall be subject to corporal punishment, except in case of mutiny:

All other punishments authorized by this Act may be inflicted in the manner heretofore in use in the navy.

47. *Limitation of time as to trials.*] No person, unless he be an offender who has avoided apprehension or fled from justice, shall be tried or punished in pursuance of this Act for any offence committed by him unless such trial shall take place within three years from the commission of such offence, or within one year after the return of such offender to the United Kingdom, where he has been absent from the United Kingdom during such period of three years.

48. *Scale of punishment.*] Subject to the foregoing regulations, where any punishment is specified by this Act as the penalty for any offence, and it is further declared that another punishment may be awarded in respect of the same offence, the expression "other punishment" shall be deemed to comprise every punishment inferior in degree to the specified punishment, according to the scale herein-before mentioned; but corporal punishment shall be deemed equal in degree to imprisonment, and may in all cases, subject to the foregoing regulations, be inflicted as a substitute for or in addition to imprisonment.

49. *Authorities having power to try offences.*] Any offence triable under this Act may be tried and punished by court-martial; and any offence triable under this Act, not committed by any officer, and not hereby made capital, may, under such regulations as the Admiralty may from time to time issue, be summarily tried and punished by the officer in command of the ship to which such offender belongs, subject to the following restrictions; (that is to say.)

- (1.) The commanding officer shall not have power to award the punishment of penal servitude.
- (2.) The commanding officer shall not have power to sentence any man, except a deserter, or man absent without leave, to imprisonment for a longer period than twenty-eight days, nor to sentence a deserter to imprisonment for a longer period than three calendar months, nor a man absent without leave to imprisonment for a longer period than six weeks, nor to award solitary confinement for more than seven days at a time with intervals of not less than seven days between each period of solitary confinement:
- (3.) Except in case of open mutiny, no man shall be sentenced by the commanding officer to corporal punishment until his offence has been inquired into by one or more officers appointed by such commanding officer, and his or their opinion as to the guilt or innocence of the prisoner reported to such commanding officer, and the commanding officer shall thereupon act as according to his judgment may seem right.

PART IV.

COURTS-MARTIAL.

Constitution of Courts-Martial.

50. *Constitution of courts-martial.*] The following regulations are hereby made with respect to courts-martial:

- (1.) A court-martial shall consist of not less than five nor more than nine officers;

(2.) No officer shall be qualified to sit as a member of any court-martial held in pursuance of this Act unless he be a flag-officer, captain, commander, or lieutenant of her Majesty's navy on full pay:

(3.) A court-martial shall not be held unless at least three of her Majesty's ships, not being tenders, and not commanded by officers under the rank of lieutenant, are together at the time when such court-martial is held:

(4.) No officer shall sit on a court-martial who is under twenty-one years of age:

(5.) No court-martial for the trial of a flag officer shall be duly constituted unless the president is a flag officer, and the other officers composing the court are of the rank of captain, or of higher rank:

(6.) No court-martial for the trial of a captain in her Majesty's navy shall be duly constituted unless the president is a captain or of higher rank, and the other officers composing the court are commanders or officers of higher rank:

(7.) No court-martial for the trial of any person below the rank of captain in her Majesty's navy shall be duly constituted, unless the president is a captain or of higher rank, nor unless in addition to the president there are two other members of the court of the rank of commander or of higher rank:

(8.) The prosecutor shall not sit on any court-martial for the trial of a prisoner whom he prosecutes:

(9.) The Admiralty shall have power to order courts-martial to be held for the trial of offences under this Act, and to grant commissions, to any officer of her Majesty's navy on full pay, authorising him to order courts-martial to be held for the trial of such offences:

(10.) An officer holding a commission from the Admiralty to order courts-martial shall not be empowered to do so if there is present at the place where such court-martial is to be held any officer superior in rank to himself, although such last-mentioned officer may not hold a commission to order courts-martial; and in such a case such last-mentioned officer may order a court-martial, although he does not hold any commission for the purpose:

(11.) If any officer holding a commission from the Admiralty to order courts-martial, having the command of a fleet or squadron, and being in foreign parts, die, be recalled, leave his station, or be removed from his command, the officer upon whom the command of the fleet or squadron devolves, and so from time to time the officer who shall have the command of the fleet or squadron, shall, without any commission from the Admiralty, have the same power to order courts-martial as the first-mentioned officer was invested with:

(12.) If any officer holding a commission from the Admiralty to order courts-martial, and having the command of any fleet or squadron of her Majesty's ships in foreign parts, shall detach any part of such fleet or squadron, he may, by commission under his hand, empower the commanding officer of the squadron or detachment ordered on such separate service, and in case of his death or ceasing so to command the officer to whom the command of such separate squadron or detachment shall belong, to order courts-martial during the time of such separate service, or until such authority shall be revoked, or until the officer commanding the detachment shall come under the command of another superior officer, or shall return to the United Kingdom:

(13.) The officer ordering a court-martial shall not sit thereon:

(14.) The president of every court-martial shall be named by the authority ordering the same, or by any officer empowered by such authority to name the president:

(15.) No commander or lieutenant shall be required to sit as a member of any court-martial when four officers of a higher rank and junior to the president can be assembled at the place where the court-martial is to be holden:

(16.) Subject to the foregoing regulations, whenever a court-martial shall be held the officer appointed to preside thereat shall summon, according to seniority, all the officers present at the place where the court-martial shall be held to sit thereon, until the number of nine, or such number, not less than five, as is attainable, is complete; subject to this proviso, that the admirals and captains, being superintendents of her Majesty's dockyards, shall not be summoned to sit on courts-

martial unless specially directed to do so by orders from the Admiralty.

Proceedings of Courts-Martial.

51. *Sittings of courts-martial.*] A court-martial held in pursuance of this Act shall sit from day to day, with the exception of Sundays, until sentence is given, and its proceedings shall not be delayed by the absence of any member, so that not less than five are present; and no member shall absent himself unless compelled so to do by sickness or other just cause, to be approved of by the other members of the court; and if any member of a court-martial shall absent himself therefrom, in contravention of this section, he shall be dismissed from her Majesty's service, or shall suffer such other punishment as may be awarded by a court-martial.

52. *Appointment of officiating judge-advocate.*] In the absence of a judge-advocate or his deputy, the officer who is to be the president of the court-martial may appoint any person to officiate as judge-advocate at the trial; and the judge-advocate of any fleet for the time being, or his deputy, or the person officiating as judge-advocate, herein-after included under the term "the judge-advocate," shall administer an oath to every witness appearing at the trial.

53. *Proceedings at trial.*] As soon as the court is assembled the names of the officers composing the court shall be read over to the prisoner, who shall be asked if he objects to being tried by any member of the court. If the prisoner shall object to any member, the objection shall be decided by the court. If the objection shall be allowed, the place of the member objected to shall be filled up by the officer next in seniority who is not on the court-martial, subject to the regulations herein-before contained.

54. *Oaths to be administered to members of courts-martial.*] Before the court shall proceed to try the prisoner, the judge-advocate shall administer to every member of the court the following oath; that is to say,

I do swear, that I will duly administer justice according to law, without partiality, favour, or affection; and I do further swear, that I will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required in due course of law. So help me God.

55. As soon as the said oath shall be administered to the members of the court-martial the president shall administer to the judge-advocate the following oath:

Oath to be administered to judge-advocate, &c.] I do swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless thereunto required in due course of law. So help me God.

56. *Summoning witnesses.*] Every person, civil, naval, and military, who may be required to give evidence before a court-martial, shall be summoned by the judge-advocate; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such court, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested, or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or the court of session in Scotland, or of the courts of law in the East or West Indies or elsewhere, according as the case shall require, upon its being made to appear to such court or judge, by any affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court-martial; and all witnesses so duly summoned as aforesaid who make default in attending on such courts, or attending refuse to be sworn or make affirmation, or being sworn or having made affirmation refuse to give evidence, or to answer all such questions as the court may legally demand of them, or prevaricate in giving their evidence, shall be liable to be attached in the Court of Queen's Bench in London or Dublin, or the Court of Session, or sheriff depute or stewards depute, or their respective substitutes, within their several shires and stewardries, in Scotland, or courts of law in the East or West Indies, or in any of her Majesty's colonies, garrisons, or dominions in Europe or elsewhere, respectively, upon complaint made, in like manner as if such witness after having been duly summoned and subpoenaed had neglected to attend on a trial in any proceeding in the court in which such complaint is made or had refused to be sworn, or on being sworn had refused to

give evidence, or to answer all such questions as the court may legally demand, or had prevaricated in giving evidence, or if the court-martial shall think fit, in case any such person belong to her Majesty's navy, being called upon to give evidence at any court-martial, shall refuse or neglect to attend to give his evidence upon oath or affirmation, or shall prevaricate in his evidence, or behave with contempt to the court, such court-martial may punish every such offender by imprisonment not longer than three months, in case of such refusal, neglect, or prevarication, not longer than one month in the case of such contempt; and every person not subject to this Act who may be so summoned to attend shall be allowed and paid his reasonable expenses, under the authority of the Admiralty for such attendance.

57. *Penalty on persons giving false evidence.*] Every person who upon any examination upon oath or upon affirmation, before any court-martial held in pursuance of this Act, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

58. *Where persons are insane at the time of offence or trial.*] Where it shall appear upon the trial by court-martial of any person charged with an offence that such person is insane, the Court shall find specially the fact of his insanity, and shall order such person to be kept in strict custody in such place and in such manner as to the Court shall seem fit, until the directions of the Admiralty thereupon are known; and it shall be lawful for the Lords of the Admiralty to give orders for the safe custody of such person during her Majesty's pleasure, in such place and in such manner as they shall think fit.

59. *Report of proceedings of courts-martial.*] Every judge-advocate, or person officiating as judge-advocate, shall transmit with as much expedition as may be the original proceedings and sentence of every court-martial attended by him to the commander-in-chief or senior officer, who shall transmit them to the Secretary of the Admiralty for the time being, and any person tried by a court-martial shall be entitled, on demand, to a copy of such proceedings and sentence, at any time not sooner than six months after the trial if the same takes place in the Mediterranean, three months if at any other naval station within Europe, and twelve months if elsewhere, (upon payment for the same at the rate of fourpence per folio of seventy-two words,) but no such demand shall be allowed after the space of three years from the date of the final decision of such court-martial.

PART V.

PENAL SERVITUDE AND PRISONS.

Penal Servitude.

60. *Sentence of penal servitude.*] Whenever the sentence of death shall be commuted for penal servitude, or whenever sentence of penal servitude shall be passed upon any offender by any court-martial, and such sentence, or any part thereof, is intended to be carried into effect, the Admiralty shall cause the same to be notified in writing to any justice of the Queen's Bench, Common Pleas, or baron of the Exchequer, and thereupon such justice or baron shall make an order for the penal servitude of such offender, upon the terms and for the time specified in such notification, and shall do all such other acts consequent upon such notification as any such justice or baron is or may be authorised to make or do by any statute or statutes in force at the time of making any such order in relation to penal servitude of offenders sentenced by courts of criminal jurisdiction to penal servitude; and such order and other acts to be so made and done as aforesaid shall be obeyed and executed by such person in whose custody such offender may at that time be, and by all other persons whom it may concern, and shall be as effectual and have all the same consequences as any order made under the authority of any statute relating to penal servitude with respect to any offender in such statute mentioned, and every sheriff, gaoler, keeper, governor, or superintendent whom it may concern, and all constables and other persons, shall be bound to obey the aforesaid order and orders, and be assistant in the execution thereof, and be liable to the same punishment for disobedience to or for interrupting the execution of such order as they would be if the same had been made under the authority of any such statute; and every person so ordered to be kept in penal servitude shall be subject to all the penalties and provisions made by law, and in force for the time being, concerning persons under sentence of penal servitude, or receiving her Majesty's pardon on condition of penal servitude; and from the time when such order of

penal servitude is made, every law in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding, abetting, contriving, or assisting in any escape or intended escape, or the returning without leave of any such offender; and the judge or baron who makes an order for penal servitude as aforesaid shall direct the notification of the Admiralty, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Court of Queen's Bench, and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender, or to any person applying in his or the Admiralty's behalf, showing the Christian and surname of such offender, his offence, the place where the Court was held before which he was convicted, the sentence, and the conditions on which the order of penal servitude was made, and such certificate shall be sufficient proof of the conviction and of the sentence of such offender, and also of the terms on which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same.

61. *Disposal of offender after sentence of penal servitude.*] When any sentence of death shall have been commuted for penal servitude, or when any person subject to this Act shall have been condemned to penal servitude, it shall be lawful for the Admiralty, or the commanding officer of the ship to which such person belongs or has belonged, to cause him to be detained and conveyed to any one of her Majesty's ships, or any gaol or prison, there to remain in safe custody until he is removed therefrom by due authority, under an order for his penal servitude, to be made by some justice of the Queen's Bench or Common Pleas or baron of the Exchequer as aforesaid, and a certificate of his sentence (such certificate to be signed by the Secretary of the Admiralty or such commanding officer) shall be a sufficient authority to the commanding officer of the ship to which he may be sent, or to the governor, keeper, or superintendent of the gaol or prison, to receive and detain him.

62. *Subsistence of offender.*] In case any such offender shall be conveyed to any prison, not being a naval prison appointed by virtue of this Act, an allowance such as the Admiralty shall from time to time direct shall be made to the governor, keeper, or superintendent of the gaol or prison, for the subsistence of such offender during his detention therein, and such allowance shall be paid by order of the Admiralty, upon production by the said governor, keeper, or superintendent of a declaration to be made by him before one of her Majesty's justices of the peace of such county, of the number of days during which the offender has been so detained and subsisted in such gaol or prison.

63. *Imprisonment of offender already under sentence for previous offence.*] Whenever sentence shall be passed by a court-martial on an offender already under sentence either of imprisonment or of penal servitude passed upon him by a court-martial for a former offence, the Court may award sentence of imprisonment or penal servitude for the offence for which he is under trial to commence at the expiration of the imprisonment or penal servitude to which he has been previously sentenced, although the aggregate of the terms of imprisonment or penal servitude may exceed the term for which either of those punishments could be otherwise awarded.

Prisons.

64. *Term and place of imprisonment.*] Every term of penal servitude or of imprisonment in pursuance of this Act shall be reckoned as commencing on the day on which the sentence was awarded, and the place of imprisonment, whether the imprisonment was awarded as an original or as a commuted punishment, shall be such place as may be appointed by the Court or the commanding officer awarding the punishment, or which may from time to time be appointed by the Admiralty, and may be one of the naval prisons appointed under this Act, or any common gaol within her Majesty's dominions.

65. *Place of imprisonment may be changed, &c.*] Whenever it is deemed expedient it shall be lawful for the Admiralty, by any order in writing, from time to time to change the place of confinement of any offender imprisoned or sentenced to be imprisoned in pursuance of this Act, and the gaoler or other person having the custody of such offender shall immediately on the receipt of such order remove such offender to the gaol, prison, or house of correction mentioned in the said order; and every gaoler or keeper of such last-mentioned prison, gaol, or

house of correction shall, upon being furnished with a copy of such order of removal, attested by the Secretary of the Admiralty for the time being, receive into his custody and shall confine pursuant to such sentence or order every such offender.

66. *Expenses of removal or subsistence of prisoners.*] The gaoler or other person removing any offender in pursuance of such order shall be allowed for the charges of such removal a sum not exceeding one shilling a mile, and when any offender is not confined in a naval prison the gaoler or other person in whose custody any such offender may be shall receive such an allowance as the Admiralty shall from time to time direct for every day that such offender is in his custody, to be applied towards his subsistence, and such sum shall be paid to the said gaoler or other person under the authority of the Admiralty, upon the application in writing made to the Secretary of the Admiralty by any justice for the county or place in which such gaol, prison, or house of correction shall be situate, with a copy of the sentence or order under which the prisoner is confined.

67. *Proviso for discharge or removal of prisoners.*] Whenever any prisoner is undergoing imprisonment in pursuance of this Act, it shall be lawful for the Admiralty, or where an offender has been imprisoned by order of his commanding officer, for such commanding officer, to give an order in writing directing that the prisoner be discharged; and it shall also be lawful for the Admiralty and any officer commanding any of her Majesty's ships, by order in writing, to direct that any such prisoner be delivered over to naval custody for the purpose of being brought before a court-martial, either as a witness, or for trial or otherwise, and such prisoners shall accordingly, on the production of any such order, be discharged, or be delivered over to such custody.

68. *Proviso as to time of detention in naval custody.*] The time during which any prisoner under sentence of imprisonment is detained in naval custody shall be reckoned as imprisonment under his sentence, for whatever purpose such detention takes place; and the governor, gaoler, keeper, or superintendent who shall deliver over any such prisoner shall again receive him from naval custody, so that he may undergo the remainder of his punishment.

69. *In case of insanity prisoners to be removed to some lunatic asylum.*] If any person imprisoned by virtue of this Act shall become insane, and a certificate to that effect shall be given by two physicians or surgeons, the Admiralty may, by warrant, direct the removal of such person to such lunatic asylum or other proper receptacle for insane persons in the United Kingdom as they may judge proper, for the unexpired term of his imprisonment; and if any such person shall in the same manner be certified to be again of sound mind, the Admiralty may issue a warrant for his being removed to such prison or place of confinement as may be deemed expedient, to undergo the remainder of his punishment, and every gaoler or keeper of any prison, gaol, or house of correction shall receive him accordingly.

70. *Admiralty may set apart buildings and ships as naval prisons.*] The Admiralty may set apart any buildings or vessels, or any parts thereof, as naval prisons, and any buildings or vessels, or parts of buildings or vessels, so set apart, shall be deemed to be naval prisons within the meaning of this Act, and all powers and authorities with respect to county gaols or houses of correction, which now are or which may hereafter be vested in any of her Majesty's principal Secretaries of State, shall, with respect to all such naval prisons, belong to the Admiralty; and it shall be lawful for the Admiralty from time to time to make, alter, and repeal regulations for the government and superintendence of any such naval prison, and of the officers and servants thereof, and of offenders confined therein, and from time to time to appoint inspectors, and all other necessary officers and servants for any such naval prison, and, as occasion may arise, to remove the inspectors, officers or servants of any such naval prison; and the senior officer at any port or place or on any station where there may be any such naval prison, or such senior officer and such other person and persons as the Admiralty may from time to time appoint, shall be a visitor or visitors of such prison; and every inspector, visitor, or officer, having the charge or command of any such naval prison respectively, shall, subject to such rules and regulations as may from time to time be made as aforesaid, have and exercise, in respect of such prison, and of the officers and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting justice, or

overnor of a county gaol or house of correction may respectively exercise as such.

71. *Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.*] If any person shall convey or cause to be conveyed into any such naval prison any arms, tools, or instruments, or any mask or other disguise to facilitate the escape of any prisoner, or by any means whatever shall aid any prisoner to escape or in an attempt to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be imprisoned, with or without hard labour, for any term not exceeding two years, or suffer penal servitude for any term not exceeding fourteen years; and if any person shall bring or attempt to bring into such prison, in contravention of the rules, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds, and not less than ten pounds; and if any person shall bring into such prison, or to or for any prisoner, without the knowledge of the officer having charge or command thereof, any money, clothing, provisions, tobacco, letters, papers, or other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or by desire of any prisoner, without the sanction of the said officer, shall carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds; and if any person shall interrupt any officer of such prison in the execution of his duty, or shall aid or excite any person to assault, resist, or interrupt any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or if the offender be a prisoner, he shall, upon conviction thereof, by a board of not less than three of the visitors of the prison, be liable to be sentenced for every such offence to be imprisoned, either with or without hard labour, and with or without solitary confinement, for any time not exceeding six calendar months, in addition to so much of the time for which he was originally sentenced as may be then unexpired.

72. *Penalty as regards gaolers, &c.*] Every governor, gaoler, and keeper of any prison, gaol, or house of correction, and every officer having the charge or command of any place ship, or vessel for imprisonment, who shall, without lawful excuse, refuse or neglect to receive or confine, remove, discharge, or deliver up any offender against the provisions of this Act or any of them, shall incur for every such refusal or neglect a penalty not exceeding one hundred pounds, to be recovered in a summary manner.

73. *Pay of offenders to be stopped during imprisonment, &c.*] During the imprisonment of any person in pursuance of this Act all pay and wages of the prisoner shall be suspended and stopped.

PART VI.

SUPPLEMENTAL PROVISIONS.

74. *Short title of Act.*] This Act may be cited for all purposes as "The Naval Discipline Act, 1860."

75. *Commencement of Act.*] This Act shall commence on the first day of April, one thousand eight hundred and sixty-one.

76. *Definition clause.*] In the construction of this Act unless there be something in the context or subject matter repugnant to or inconsistent with such construction—

Admiralty.] "Admiralty," or "the Lords of the Admiralty," shall mean the Lord High Admiral for the time being of the United Kingdom of Great Britain and Ireland, and when there shall be no such Lord High Admiral in office, any two or more of the commissioners for executing the office of Lord High Admiral of the United Kingdom:

Officer.] "Officer" shall mean an officer belonging to one of her Majesty's ships, and shall include a subordinate and a warrant officer, but shall not extend to petty and non-commissioned officers.

Superior officer.] When the words "superior officer" are used in this Act they shall be held to include all officers, including petty and non-commissioned officers.

77. *Persons subject to this Act.*] Every person in or belonging to her Majesty's navy, and borne on the books of any one of her Majesty's ships in commission, shall be subject to this Act; and all other persons hereby made liable thereto, and all spies, shall be triable and punishable under the provisions of this Act.

78. *Land forces embarked as passengers.*] Her Majesty's land forces, when embarked on board any of her Majesty's ships, shall be subject to the provisions of this Act, to such extent and under such regulations as her Majesty, her heirs and successors, by any order or orders in council, shall at any time or times direct.

79. *Other persons embarked as passengers.*] All other persons ordered to be received or being passengers on board any of her Majesty's ships shall be deemed to be persons subject to this Act, under such regulations as the Admiralty may from time to time direct.

80. *Crews of ships lost or destroyed.*] When any one of her Majesty's ships shall be wrecked or lost or destroyed, or taken by the enemy, such ship shall, for the purposes of this Act, be deemed to remain in commission until her crew shall be regularly removed into some other of her Majesty's ships of war, or until a court-martial shall have been held, pursuant to the custom of the navy in such cases, to inquire into the cause of the wreck, loss, destruction, or capture of the said ship.

81. *All the officers and crew of lost ship may be tried by one court, or by separate courts.*] When no specific charge shall be made against any officer or seaman for or in respect or in consequence of such wreck, loss, destruction, or capture, it shall be lawful to try all the officers and crew, or all the surviving officers and crew of any ship, together, before one and the same court, and to call upon all or any of them when upon their trial to give evidence on oath or affirmation before the court touching all or any of the matters then under inquiry, but no officer or seaman shall be obliged to give any evidence which may tend to criminate himself.

82. When deemed necessary by the Admiralty, or any officer authorised to order courts-martial, separate courts-martial shall be held for the trial of some one or more of such officers and crew for or in respect or in consequence of the wreck, loss, destruction, or capture of any such ship.

83. *For subsequent offence, separate court.*] For any offence or offences committed by any officer or seamen, or officers and seamen, after the wreck, loss, destruction, or capture of any such ship, a separate court-martial shall be held for the trial of such offender or offenders.

84. *Pay of crews of ships lost or taken.*] When any ship of her Majesty shall be wrecked, lost, or otherwise destroyed, or taken by the enemy, if it shall appear by the sentence of a court-martial that the crews of such ship did, in the case of a ship wrecked or lost, do their utmost to save or get her off, and in the case of a ship taken by the enemy do their utmost to defend themselves, and that they have, since the wreck, destruction, loss, or capture of such ship, behaved themselves well, and been obedient to their officers, then all the pay of such crews or of such portions of such crews as have behaved themselves well, and been obedient to their officers, shall be continued until the time of their being discharged or removed into other ships of her Majesty, or dying.

85. *When ship of senior officer is lost he may dispose of officers and crew of lost ship.*] If the ship of any officer ordered to command any two or more of her Majesty's ships shall be wrecked, lost, or otherwise destroyed, such officer shall continue in the command of any ship or ships which at the time of his ship being wrecked, lost or destroyed was or were under his command, and it shall be lawful for such officer to order the surviving officers and crew of the wrecked, lost, or destroyed ship to join any other ship under his command, or to distribute them among the other ships under his command, if more than one, and such officer shall, until he meets with some other officer senior to himself, have the same power and authority in all respects as if his ship had not been wrecked, lost, or destroyed.

PART VII.

REPEAL OF ACTS, AND SAVING CLAUSE.

86. *Repeal of Acts and parts of Acts.*] On and after the day of the commencement of this Act there shall be repealed the several Acts and parts of Acts set forth in the schedule hereto, to the extent to which such Acts or parts of Acts are herein expressed to be repealed.

87. *Trial of offences against repealed Acts.*] Any person who has committed or may commit, before the commencement of this Act, any offence against any of the Acts or portions of Acts hereby repealed, for which such person has not been tried before such day, shall be tried and punished under this Act, as

If such crime or offence had been committed against the same, but he shall not suffer any greater punishment than he was liable to under any of the Acts or portions of Acts hereby repealed; and any proceedings of any court-martial, or any other proceedings under such Acts or portions of Acts, which may be pending on the day of the commencement of this Act, shall be continued, and the offender, if found guilty, shall be punished as if the Act against which he offended had not been repealed.

88. Reservation of power of Admiralty.] Nothing in this Act shall prejudice or affect the right of the Admiralty to discharge any person subject to this Act from her Majesty's service.

89. Act not to supersede authority of ordinary courts.] Nothing in this Act contained shall be deemed or taken to supersede or affect the authority or power of any court or tribunal of ordinary civil or criminal jurisdiction, or any officer thereof, in her Majesty's dominions, in respect of any offence mentioned in this Act which may be punishable or cognisable by the common or statute law.

The SCHEDULE to which this Act refers:

Reference to Act.	Title of Acts.	Extent of Repeal.
2 Geo. 2. c. 33.	An Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the Government of his Majesty's ships, vessels, and forces by sea.	All such parts of the Act as remain un-repealed at the time of the passing of this Act.
29 Geo. 2. c. 27.	An Act for extending the Act of the twenty-second year of his present Majesty (for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea), to such officers, seamen, and others as shall serve on board his Majesty's ships or vessels employed upon the lakes, great waters, or rivers in North America.	The whole.
19 Geo. 3. c. 17.	An Act to explain and amend an Act made in the twenty-second year of the reign of his late Majesty King George the Second, intitled "an Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea."	The whole.
56 Geo. 3. c. 5.	An Act to extend the powers of an Act of the thirty-seventh year of his present Majesty, for enabling his Majesty more effectually to grant conditional pardons to persons under sentence of naval courts-martial, and to regulate imprisonment under such sentences.	The whole.
5 & 6 Vict. c. 98.	An Act to amend the law concerning prisons.	Sections 27, 28, 29.
10 & 11 Vict. c. 59.	An Act for amending an Act, intitled "an Act for amending, explaining, and reducing into one Act of Parliament the laws relating to the government of his Majesty's ships, vessels, and forces by sea."	The whole.
10 & 11 Vict. c. 62.	An Act for the establishment of naval prisons, and for the prevention of desertion from her Majesty's navy.	Sections 1 to 8, both inclusive.
16 & 17 Vict. c. 69.	An Act to make better provision concerning the entry and service of seamen, and otherwise to amend the laws concerning her Majesty's navy.	Sections 13, 14, 15, 17.

CAP. CXXIV.

An Act further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Caputular Estates in England. [28th August, 1860.]

WHEREAS it is expedient to amend the Acts relating to the Ecclesiastical Commissioners for England and the Act concerning the management of episcopal and caputular estates in England: be it enacted by the Queen's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Sect. 17 of 13 & 14 Vict. c. 94, repealed.] Section seven-
teen of the Act of the session holden in the thirteenth and
fourteenth years of her Majesty, chapter ninety-four, directing

the mode of securing the annual income of archbishops and bishops, shall, as respects every archbishop and bishop who shall succeed to a see after the passing of this Act, be repealed.

2. The lands of each see to vest in the commissioners on the next avoidance.] Upon the first avoidance of the see of any archbishop or bishop in England after the passing of this Act, all the lands, hereditaments, and emoluments of or belonging to such see (except all rights of patronage or presentations and the residences of the archbishop or bishop, and such lands necessary for the enjoyment of such residences as shall be attached thereto by any scheme sanctioned by order in council) shall become vested absolutely in the ecclesiastical commissioners for England, for the purposes and subject to the provisions applicable to other hereditaments vested in the said commissioners.

3. Lands sufficient to afford the statutory income to be secured to each see.] After the lands of a see have become vested in the commissioners as aforesaid, an arrangement shall be made as soon as conveniently may be, and with all reasonable despatch, for assigning to the archbishop or bishop of such see and his successors, as an endowment for the see, such of the lands and hereditaments then vested in the ecclesiastical commissioners for England as in the judgment of the estates committee of the said ecclesiastical commissioners, and subject to the approbation of such archbishop or bishop, may be deemed convenient to be held as such endowment, and will secure as nearly as may be, after deducting costs of management, a net annual income equal to that named for the archbishop or bishop of the see by any Act of Parliament or order in council then in force, and no more; and in the meantime, until such endowment is so assigned, the ecclesiastical commissioners shall pay to the archbishop, or bishop of the see the annual income named for him as aforesaid, at the times at which the same would have been payable if this Act had not been passed.

4. Like arrangement may be made before next avoidance, on request of the bishop.] In case any archbishop or bishop who may have succeeded on an avoidance happening before the passing of this Act, and having an income named as aforesaid, signify his willingness to accept an endowment for his see in lands and hereditaments, in lieu of his income, it shall be lawful to make the like arrangement for that purpose as might have been made if the lands of the see had become vested in the commissioners as aforesaid, and upon such arrangement being made all the lands, hereditaments, and emoluments of or belonging to the see, except such as may be assigned under such arrangement, and such rights of patronage or presentation, and residences as aforesaid, shall become vested absolutely in the said ecclesiastical commissioners.

5. Arrangements to be revised on avoidance.] On the avoidance from time to time of any see, after the assignment of an endowment for the same, the estates committee of the ecclesiastical commissioners may, if they shall think fit, revise the arrangement in force in relation to such endowment, and for that purpose inquire into the state and productiveness of such endowment, and if such endowment, in the judgment of the committee, will secure a net annual income, exceeding that named for the archbishop or bishop as aforesaid, or will not secure the full amount of such annual income, such committee may report thereon to the said ecclesiastical commissioners, and the said commissioners shall, if they think fit, make an arrangement by vesting part of the lands and hereditaments constituting such endowment in the ecclesiastical commissioners, or by assigning lands and hereditaments by way of addition to such endowment, or by means of annual or other payments to or by the ecclesiastical commissioners, as the case may require, which may secure in the judgment of the said committee to the archbishop or bishop who may succeed upon that avoidance the net annual income so named, or as near thereto as circumstances will allow: provided always, that if a difference of opinion as to the value or sufficiency of the estates which such committee may propose to leave or to assign to any see shall arise between the archbishop or bishop thereof and the said committee, such difference shall be settled by arbitration before such arrangement as is last mentioned shall be made.

6. Endowments to be in lieu of the fixed income.] When the arrangement is completed under this Act for the endowment of a see the lands and hereditaments thereby assigned shall be the endowment of the see, and shall be taken in lieu of the income intended to be secured thereby.

7. Arrangements how to be made.] All arrangements for the purposes of this Act shall be made by the authority and in the manner by and in which arrangements for carrying into effect

the recommendations recited in the Act of the session holden in the sixth and seventh years of King William the Fourth, chapter seventy-seven, may now be made.

8. *Lands assigned as endowments, how to be leased.*] No lands assigned or secured as the endowment of any see under this Act shall be granted by the archbishop or bishop otherwise than from year to year, or for a term of years in possession not exceeding twenty-one years, at the best annual rent that can be reasonably gotten without fine, the lessee not to be made punishable for waste or exempted from liability in respect of waste; and so that in every such lease such or the like covenants, conditions, and reservations be entered into, reserved, or contained with or for the benefit of the archbishop or bishop and his successors, as under section one of the Act passed in the session holden in the fifth and sixth years of her Majesty, chapter twenty-seven (for better enabling the incumbents of ecclesiastical benefices to demise the lands belonging to their benefices on farming leases) are to be entered into, reserved, or contained in a lease granted under that enactment to or for the benefit of the incumbent and his successors, or as near thereto as the circumstances of the case will permit; but where, under the said section of the last-mentioned Act, any consents are provided for or required, the consent only of the archbishop or bishop for the time being shall be requisite: provided always, that it shall be lawful for the archbishop or bishop, with the approval of the estates committee of the Ecclesiastical Commissioners, testified under the common seal of the said commissioners, which the said committee are hereby empowered to affix to any lease for this purpose, from time to time to grant mining or building or other leases of any such lands, for such periods, for such considerations, upon such terms, and generally in such manner as such committee under the circumstances of each case may think fit, and it shall be lawful for such committee to require that any portion of the rent reserved on any such lease shall be payable to the said Ecclesiastical Commissioners.

9. *Estates committee to see that property assigned as endowment is kept in proper condition.*] The estates committee shall cause the property assigned as an endowment for any see as aforesaid to be inspected so often as they think fit, and shall cause notice in writing of all dilapidations or want of repair found on such inspection, and of the repairs or works necessary for remedying the same, to be given to the archbishop or bishop of such see; and such archbishop or bishop shall forthwith do or cause to be done, at his or their own expense, or at the expense of his or their lessees or tenants (as the case may require) the repairs or works mentioned in such notice; and if any difference arise between such archbishop or bishop and the estates committee with regard to the condition of such property, or the repairs or works required by the estates committee, the matter in difference shall be referred to arbitration as herein-after provided.

10. *Provision for the improvement of lands.*] It shall be lawful for the estates committee, upon the application of any archbishop or bishop, to undertake or authorize any works of permanent improvement which such committee may think advisable, on any lands assigned by way of endowment to such archbishop or bishop, and the Ecclesiastical Commissioners may advance out of the common fund the money which may be required for the purpose of such works, and the money so advanced shall be repaid, with such interest, and at such times, and until repaid shall be charged on such of the said lands, as may be agreed upon by the said committee and the said archbishop or bishop and his or their tenants interested in such improvements.

11. *Estates committee, where required, to manage the lands assigned.*] The estates committee shall, when required by any archbishop or bishop to whom lands may have been assigned as an endowment under this Act, undertake the management of such lands, and receive the rents and profits thereof during the incumbency of the archbishop or bishop; and in every such case as aforesaid the estates committee, during their management, may grant all such leases as might have been granted by such archbishop or bishop if the lands had continued under his or their management; and may, with the approval of such archbishop or bishop, grant such other leases as might have been granted by him or them, with the approval of the estates committee; and the commissioners shall, during the time such lands are under the management of the said estates committee, pay to such archbishop or bishop the annual income to secure which the lands may have been assigned.

12. *Sec. 67 of 3 & 4 Vict. c. 113 extended to all lands.*] And

whereas by the Act of the session holden in the third and fourth years of her Majesty, chapter one hundred and thirteen, section sixty-seven, it is provided, that, by payments or investments made out of the common fund of the ecclesiastical commissioners, or by means of an actual conveyance and assignment of lands, tithes, or other hereditaments, vested or to be vested in them as therein mentioned, or of a portion thereof, additional provision shall be made by the authority therein provided for the cure of souls in parishes where such assistance is most required; provided always, that in making any such additional provision out of any tithes, or any lands or other hereditaments allotted or assigned in lieu of tithes so vested or to be vested in the said commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes arise or have heretofore arisen: in making additional provision for the cure of souls under the recited enactment out of any lands or hereditaments whatsoever now vested or hereafter to be vested in the said commissioners (except lands or hereditaments which may have been or may hereafter be bought or taken in exchange by the commissioners, or any estate or interest in lands or hereditaments so bought or taken in exchange during the continuance of such estate or interest), or out of the rent and profits thereof (except as aforesaid), due consideration shall be had of the wants and circumstances of the places in which such lands or hereditaments may be situate or arise; and the same rule shall also be applicable, in case the commissioners shall see fit, in favour of places in which lands or hereditaments now vested or heretofore vested in the commissioners are situated, from which the commissioners have heretofore derived any income.

13. *Provisions concerning local claims to apply to tithes and lands of an ecclesiastical corporation having a revenue exceeding its statutory income.*] Where any ecclesiastical corporation sole is in the receipt of an income fixed by Act of Parliament, and the estates of such corporation yield an annual income greater than the income so fixed, it shall be incumbent on the Ecclesiastical Commissioners to make, out of any tithes, lands, or hereditaments whatsoever from which such annual income arises, or out of the rents and profits thereof, such provision as may seem to them needful for the cure of souls in the parish or place in which tithes, lands, or hereditaments are situate or arise, in the same manner and to the same extent in and to which such provision might be made if the said tithes, lands, or hereditaments were actually vested in the commissioners.

14. *Preference may be given to places where contribution is made in aid of grant.*] In making additional provision for the cure of souls under section sixty-seven of the said Act of the third and fourth years of her Majesty, preference may be given, if the said commissioners see fit, to those places in respect of which contributions from other sources are made in aid of grants out of the common fund, but this enactment shall not prejudice the proviso at the end of the said section, or the last two preceding sections of this Act.

15. *In mining districts commissioners may make grants for cure of souls.*] In districts in which large masses of population are collected for the purpose of working mines, it shall be lawful for the said commissioners, by resolution of a general meeting, from time to time to make grants to meet benefactions for the purpose of making temporary provision for the cure of souls.

16. *Power to corporations, with approval of the Church Estates Commissioners, to sell lands in possession, for facilitating negotiations with lessees.*] Where it appears to the Church Estates Commissioners that inconvenience is occasioned in the negotiations between any ecclesiastical corporation, sole or aggregate, and its lessees (in relation to property which it is now authorised to dispose of), by reason of its disability to sell or exchange intermixed or other lands held by such corporation in possession, or for some other estate which it is not now authorised to dispose of, it shall be lawful for such ecclesiastical corporation, with the approval in writing of the said Church Estates Commissioners, to sell any such lands (whether of freehold or copyhold or customary tenure), or to exchange any such lands for other lands or any estate or interest therein; and all the provisions of the Act of the session holden in the fourteenth and fifteenth years of her Majesty, chapter one hundred and four, as amended by the Act of the session holden in the seventeenth and eighteenth years of her Majesty, chapter one hundred and sixteen, and this Act, authorising the receiving or paying of money by way of equality of exchange, and con-

cerning the payment, application, and investment of any money payable to or for the benefit of any such corporation on any such sale, exchange, or enfranchisement as is mentioned in the said Act of the fourteenth and fifteenth years of her Majesty, and all other the provisions of the said Acts in anywise applicable for effectuating any such sale, exchange, or enfranchisement, or in consequence thereof, shall, so far as the nature of the case may require, extend and be applicable to and in consequence of any sale or exchange authorised by this Act.

17. *Small portions of land under leases usually renewed for the purposes of schools may be conveyed absolutely without payment.*] Where it appears to the Church Estates Commissioners that any such ecclesiastical corporation has been accustomed to renew without payment of any fine, or for a nominal fine, the lease of any lands used for the purposes of a school, or the support or maintenance thereof, it shall be lawful for such corporation, with the approval in writing of the Church Estates Commissioners, or where the lands have become vested in the Ecclesiastical Commissioners, for such commissioners, to convey to the trustees or other persons to whom a renewal of such lease might have been granted in trust for the purposes of such school all or any part of such lands, for the whole estate of such corporation therein, without requiring the payment of any consideration for the same; and every conveyance in pursuance of this provision shall be made and confirmed as provided by section five of the said Act of the fourteenth and fifteenth years of her Majesty with reference to such conveyances as therein mentioned.

18. *When ecclesiastical corporations have been accustomed to renew leases lands may be conveyed by such corporations without consideration.*] When any ecclesiastical corporation, previous to the passing of this Act, has been accustomed to grant or renew, without payment of any fine, or for a nominal fine, the lease of any lands, tenements, tithe rentcharges, or other hereditaments, for the endowment, either in whole or part, of the incumbent of any parish or chapel, the whole estate of such ecclesiastical corporation in such lands, tenements, tithe rentcharges, or other hereditaments, heretofore held by such lease, may, with the consent of the Ecclesiastical Commissioners, under their common seal, be lawfully conveyed by such corporation to the incumbent to whom a renewal of such lease might have been granted, without such corporation requiring the payment of any valuable consideration for such conveyance.

19. *When ecclesiastical corporation has been accustomed to reserve rent the whole estates may be conveyed without consideration.*] When any ecclesiastical corporation, previous to the passing of this Act, has been accustomed to reserve any annual rent or other payments in any lease granted or renewed by them for the endowment, either in whole or part, of the incumbent of any parish or chapel, the whole estate of such ecclesiastical corporation, in such annual rents or other payments heretofore granted and reserved as aforesaid, may, with the consent of the Ecclesiastical Commissioners, under their common seal, be lawfully conveyed to the incumbent for whom they are at present reserved, without such corporation requiring any valuable consideration for the conveyance of such estate.

20. *Trustees and others having power to raise money for renewals may raise money for enfranchisements.*] In any case in which any estate or interest under any lease or grant made by any such ecclesiastical corporation may be vested in any person or persons as a trustee or trustees, whether expressly or by implication of law, with power to raise money for the purpose of procuring a renewal of such lease or grant, and in every other case in which a power is vested in any person or persons for that purpose, it shall be lawful for such person or persons to raise money for the purpose of purchasing the reversion of or otherwise enfranchising the property comprised in such lease or grant, and to apply the same accordingly, in the same manner, and subject to the same conditions, *mutatis mutandis*, so far as the same may be applicable to the case, as such person or persons might by virtue of such power have raised money for the purpose of renewing such lease or grant and have applied the same accordingly.

21. *In estimating value of 21 years leases, an extension to 11th October, 1884, to be allowed.*] In estimating, for the purposes of any sale, purchase, or exchange, under the said Acts of the fourteenth and fifteenth years and seventeenth and eighteenth years of her Majesty, and this Act, or any of them, the value of the estate or interest of any lessee of any lands holden of any archbishop or bishop, or of the Ecclesiastical Commissioners, under any lease granted for a term of twenty-one

years, an extension of the unexpired term to the eleventh day of October one thousand eight hundred and eighty-four, at the accustomed rate of fine, shall, as a rule, be allowed, and a like extension, at the accustomed rate of fine, shall, for the purposes of sale, purchase, or exchange, be allowed in the case of any lease for lives, the extent and value of which shall be computed by arbitrators in default of an agreement between the parties to be less than the extent and value of a term ending on the said eleventh day of October one thousand eight hundred and eighty-four.

22. *In estimating the value of mining leases an extension to 1884 to be allowed.*] The said Ecclesiastical Commissioners or any ecclesiastical corporation, aggregate or sole, in carrying out the powers of leasing mines and minerals vested in them, shall in the granting to the lessees of mines and minerals holden of the Ecclesiastical Commissioners or ecclesiastical corporation, aggregate or sole, whether for years or for lives, an extended term or estate therein, and fixing the terms of such grant, have regard to the value of the estate and interest of the lessees of all such mines and minerals under any lease or leases heretofore ordinarily renewable on the payment of a fine, and shall as a rule, in computing such value, estimate and include an extension of the existing unexpired term or estate of the lessees to the eleventh day of October one thousand eight hundred and eighty-four, at the accustomed rate of fine; and in the case of such of the said leases for lives as, according to the expectancy of human life, according to the life tables which are appended to the twelfth annual report of the registrar general of births, deaths, and marriages, in England, would not determine until after the said eleventh day of October one thousand eight hundred and eighty-four, shall have regard to the actual value of the estate and interest of the lessees.

23. *Differences between mining lessee and lessors to be referred to arbitration.*] In case any such lessees shall require any extended term in such mines and minerals to be granted to them, and any difference shall arise between the said Ecclesiastical Commissioners or other ecclesiastical corporation and such lessees thereupon, or as to the value so to be estimated, or as to the rents to be reserved, or the term of years to be granted, or other the terms and conditions on which such lease for any extended term or estate shall be granted, it shall be lawful for either party to require the other party to join in referring to arbitration the matter or matters so in difference, and the same shall be referred to arbitration.

24. *Upon treaty for sale, &c., either party may require reference to arbitration.*] In any case where a treaty shall have been or shall be entered into under the said Acts of the fourteenth and fifteenth years and seventeenth and eighteenth years of her Majesty, and this Act, or any of them, for any sale, exchange, or purchase, it shall be lawful for either party to require the other party to join in referring to arbitration the finding of the annual value of the property comprised in the lease or grant, and of the value of the fee simple, and when such values have been found it shall be binding on both parties, if either require to proceed to such sale, exchange, or purchase, on terms to be computed according to such finding: provided always, that whenever the Ecclesiastical Commissioners shall decline to enter into a treaty with a lessee for either the sale of the reversion or the purchase of the term of or in the lands held by such lessee, it shall nevertheless be lawful for such lessee, at any time within two years after the said commissioners shall have so declined to treat, to require that his estate and interest therein shall be purchased by the Ecclesiastical Commissioners so declining to treat as aforesaid, and that the value of such estate and interest shall be ascertained by such methods and with such extension of the unexpired term on his said lease as are by this Act provided in respect of other leaseholds.

25. *Rules to be observed in valuation as to rate of interest, &c.*] Provided always, that under any arbitration under the said Act of the seventeenth and eighteenth years of her Majesty, or this Act, where any lease shall relate to lands (except building ground or houses), the beneficial interest of the lessee shall be valued at the same rate of interest at which the value of the fee simple has been determined; and where such lease shall relate to houses or to building ground, it shall be lawful for the arbitrator or arbitrators or umpire, as the case may be, simply to find the gross sum to be paid for such sale or enfranchisement, in such manner as he or they may deem just; provided also, that regard shall be had to any consideration given to the lessee by this Act on account of

the long-continued practice of renewal; provided further, that in the case of houses the umpire shall, notwithstanding anything in the last-mentioned Act or this Act contained, be appointed by her Majesty's principal Secretary of State for the Home Department.

26. *Provision as to under-lessees bound to contribute to expenses of renewals.*] Where persons holding under-leases under the lessee of any ecclesiastical corporation may, either before or after the passing of this Act, be under obligation to pay or contribute to the fines and expenses of renewal, and such lessee is unable to obtain a renewal of his lease, but the under-lessees are, by reason of the purchase of the reversion or other arrangement made by such lessee with the Ecclesiastical Commissioners, secured in the enjoyment of the full terms which might have been secured to them by means of such renewal, or shall be otherwise sufficiently indemnified from all loss which might be occasioned by want of such renewal, the persons holding such under-leases shall pay to such lessee such gross sums of money or such additional yearly rents during the unexpired residues of such terms as may be a just equivalent for the exemption from the expenses of such renewal; and where any such under-lessee has under-leased, and his under-lessees are under like obligation to contribute to the expenses of such renewal, they shall pay to their under-lessor such gross sums of money or such additional yearly rents during the unexpired residue of their terms as may be a just equivalent for such exemption as aforesaid; and the payments to be made in each case, and the nature and sufficiency of the indemnity (if any) to be given, shall, in case the parties differ about the same, be referred to arbitration.

27. *Under-lessees having right of renewal to enjoy benefits of this Act for protection of lessees.*] And whereas considerable portions of the lands and houses holden by lessees of ecclesiastical corporations which may be dealt with under the provisions of this Act are by such lessees granted to under-lessees, with the right of renewal in case of the renewal of the original lease, and again sub-demised by such under-lessees to persons holding under them with a similar right of renewal: that all such under-lessees and persons having such right of renewal shall have and enjoy, according to their respective estates and interest in such lands and houses, the benefit of the provisions contained in this Act for the protection of the lessees.

28. *Extending powers of apportionment of rent, under sect. 2 of 14 & 15 Vict. c. 104, and sect. 2 of 17 & 18 Vict. c. 116, on surrender, sale, or exchange of part of lands comprised in lease held under the Ecclesiastical Commissioners.*] The powers and provisions contained in the section two of the said Act of the fourteenth and fifteenth years of her Majesty, and the section two of the said Act of the seventeenth and eighteenth years of her Majesty, shall extend to authorise the apportionment of fines certain and heriots, and also to authorise the substitution of money payments in lieu of heriots, and the apportionment of such money payments, and shall be applicable as well to cases under those Acts as to cases under this Act; and the powers and provisions so extended shall apply to all cases of the surrender, conveyance, or assignment to or in trust for the said Ecclesiastical Commissioners of the estate or interest in a part only of the lands comprised in any lease, grant, or copy, the reversionary or freehold estate in which is or shall be vested in the said Ecclesiastical Commissioners, and also to all cases of the sale, exchange, or enfranchisement by the said Ecclesiastical Commissioners of a part only of the lands comprised in any such lease, grant, or copy; and the enfranchisement or surrender under the said Acts or either of them, or this Act, of a part only of any copyhold or customary lands held under a grant or copy shall not affect, in other respects than the apportionment of the rents, fines, and heriots, any custom by or under which the remainder of the land comprised in such grant or copy is held, or the demisable quality of the remainder of such land.

29. *Sums of money agreed to be paid by Ecclesiastical Commissioners may, on failure of lessee or grantee to make marketable title to or assurance of land, be paid into Bank of England.*] In every case in which under any contract by the Ecclesiastical Commissioners or any such corporation with any lessee or grantee holding land under the Ecclesiastical Commissioners or such corporation by any lease for lives or years, or copyhold or customary grant, for the purchase or receiving in exchange or partition by the Ecclesiastical Commissioners or such corpora-

tion of any land comprised in such lease or grant, any sum of money is agreed to be paid by the said Ecclesiastical Commissioners or such corporation, and in which the lessee or grantee shall fail or declare himself unable to make a marketable title to or an effectual assurance of such land to the said Ecclesiastical Commissioners or such corporation, such sum of money may, with the consent of such lessee or grantee, be paid into the Bank of England in the name and with the privity of the Accountant-General of the Court of Chancery to an account in the matter of "An Act" [title of this Act], to the credit of the parties interested in such land, and be disposed of in like manner as is directed by "The Lands Clauses Consolidation Act, 1845," with respect to purchase monies in the case of parties neglecting or failing to make out satisfactory titles; and upon the execution of an assignment, surrender, or other assurance by the person for the time being the party in possession or receipt of the rents and profits of the land so agreed to be sold or conveyed in exchange unto or in trust for the Ecclesiastical Commissioners or such corporation, all the estate and interest in such land in respect whereof such money shall have been paid shall vest absolutely in the said Ecclesiastical Commissioners or corporation, or other person to whom the same shall be expressed to be assured.

30. *Provision for release of rent-charge granted to commissioners by way of endowment of church or chapel.*] It shall be lawful for the commissioners, if they shall think fit, to release any rent-charge granted or transferred to them by way of endowment of any church or chapel, in consideration of the transfer into their names of a sum in the Three per Centum Consolidated Bank Annuities, producing dividends equal in amount to such rent-charge; and also, if they shall think fit, to release any part or parts of the lands out of which any such rent-charge is issuing from the payment thereof without any consideration, provided the residue of such lands shall in their judgment be sufficient security for such rent-charge, and in such case the rent-charge shall be wholly chargeable on and issuing out of such residue of the lands.

31. *Rights and obligations under special Acts preserved.*] Where any estate now or heretofore of any ecclesiastical corporation is subject to any special Act of Parliament providing for the perpetual renewal of the lease or leases thereof, or for the leasing or the management of such estate, or creating or imposing any rights, remedies, or obligations with reference to such estate, the rights of renewal, and other the rights and obligations under such special Act, shall not be affected by this Act or by the transfer of such estate to the commissioners, but such special Act, and any leases, contracts, under-leases, enfranchisements, and instruments already or hereafter to be made, entered into, or executed thereunder, shall be construed so that by virtue of the Act of Parliament or other authority under which the estate shall have been transferred to or vested in the commissioners, the same leases, contracts, under-leases, enfranchisements, and instruments may operate and have effect as if the commissioners, as to such part of the estate as for the time being shall be vested in them and their respective assigns as to each such several part thereof as shall be vested in them respectively, were therein substituted for the ecclesiastical corporation whose estate has been or shall be so transferred or have become so vested; and such special Act, leases, contracts, under-leases, enfranchisements, and instruments shall be construed as if such commissioners or their respective assigns, as regards the portion of the estate vested in them respectively, were named or referred to therein instead of the corporation named or referred to therein; and the seal of such commissioners shall be in every case as regards the estate or part of an estate for the time being vested in them, and the sealing and delivery by any assignee shall be in every case, as regards the estate or part of an estate for the time being vested in him, as effectual as the signature or seal, or signature and seal, as the case may be, of the corporation whose estate has been or shall be so transferred or become so vested.

32. *Power of partition of estates held under special Acts, &c.*] Whenever any property shall be vested in the Ecclesiastical Commissioners jointly or in common with any other person, or subject to any estate or interest vested in any other person, either under any special Act of Parliament or any lease or grant, and such person shall be a trustee of the estate or interest vested in him or them, it shall be lawful for such trustee, in every case in which he shall expressly or by implication of law have a power of sale, with such consents only (if any) as may be requisite to such sale, to concur with the said Ecclesiastical Commissioners, and also to and for the said Ecclesiastical Commissioners, under an arrangement to be made

in manner herein provided, to concur with such trustee as aforesaid in making partition of such property so as to vest in the said commissioners in severalty in fee, discharged from all right, titles, and trusts affecting the estate or interest of such trustee, such portion of the said property as shall, under all the circumstances of the case, be a just and fair equivalent for the interest of the said commissioners in the whole of such estate, and in any payments or reservations payable to them thereout, and so as to vest in such trustee in severalty in fee such remaining portion of such estate as shall in like manner be a just and fair equivalent for the interest in the whole estate of all other parties besides the said commissioners; and the portions of such estate to be vested in the said commissioners and trustee respectively in severalty as aforesaid shall be ascertained by arbitration as herein provided.

33. *Substitution of titles on exchange or partition.* Every exchange or partition which shall be made under the provisions of the said Acts of the fourteenth and fifteenth and of the seventeenth and eighteenth years of her Majesty, of this Act, or any of them, shall be valid and effectual in the law to all intents and purposes whatsoever, and shall be in nowise liable to be impeached by reason of any infirmity of estate or defect of title of any of the parties to such exchange or partition; and the land expressed to be conveyed to or vested in any corporation or person under such exchange or partition shall henceforth be subject only to the same uses, limitations, charges, and equities as previously affected the land in lien or in respect of which the same was conveyed or vested by way of substitution, or as near thereto as, regard being had to the natures or tenures of the interests acquired under such exchange or partition, and the relative rights and equities of parties, and the circumstances of the case, will admit or may require.

34. *Providing for the transfer of the Paddington estate.* When the reversion in fee in the lands and hereditaments at Paddington in the county of Middlesex, part of the possessions of the See of London (commonly called the Paddington estate) now vested in the Bishop of London, subject to the provisions of a private Act of Parliament passed in the sixth year of his Majesty King George the Fourth, chapter forty-five, and the several Acts therein recited, shall be vested in the said Ecclesiastical Commissioners, either under the provisions of this Act or of any of the Acts relating to the said Ecclesiastical Commissioners the same shall become vested in them subject to the several powers and obligations created by the said private Act and the Acts therein recited, which powers and obligations shall be exercisable by and binding upon the said commissioners while the said reversion shall remain vested in them, in the same manner as if the said commissioners were named in the said Acts instead of the said bishop, and as if the common seal of the said commissioners had been thereby required or referred to instead of the hand or signature of the said bishop; and the said reversion shall continue to be so vested in the said commissioners until a special scheme, to be prepared by the said commissioners, for the purpose of transferring, disposing of, or managing the same, shall be approved of by her Majesty in council, notice of which scheme shall be inserted and published in the *London Gazette* one calendar month at least previously to the same being so approved; and in such scheme there shall be inserted such provisions as shall be deemed proper for the preservation and future exercise and fulfilment of the said powers and obligations, with such alterations or modifications (if any) as, having regard to the change of circumstances, may be deemed necessary; and such scheme, when so approved, shall have the force of an Act of Parliament.

35. *Power to trustees and persons having interest to charge enfranchisement moneys on the lands enfranchised, &c.* And whereas in some cases leases or grants made by ecclesiastical corporations are in settlement, or held in trust, without power to raise money for renewals, or the manner prescribed for raising money for renewals may not be applicable for raising the money required for purchase or enfranchisement: it shall be lawful for any person or persons being a trustee or trustees, expressly or by implication of law of any such lease or grant, or any person being under any will or other settlement in the actual possession or receipt of the rents and profits of the lands comprised in such lease or grant, upon purchasing the reversion or otherwise procuring the enfranchisement of such lands, to charge such lands, (or where the whole thereof is settled to the same uses, trusts, or purposes any part thereof, exclusively of the residue thereof,) with the payment to any person advancing any money paid

for such purchase or enfranchisement, and for the expenses incident to such purchase or enfranchisement, or for either of those purposes of the money so advanced, with interest thereon at a rate not exceeding five pounds per centum per annum, and to convey or cause to be conveyed such lands by way of mortgage for securing such payment accordingly; and such charge shall be effectual as well on the subsisting term or estate under such lease or grant as on the reversion or interest acquired by such purchase or enfranchisement, and not only against the person making the same, and all persons claiming through him or for whom he may be a trustee, but also against all persons claiming any estate or interest in the same lands through or under the same will or settlement, but so as not to prejudice any prior charge or incumbrance, under lease, or tenancy affecting such lands; and, subject and without prejudice to such charge and mortgage so made as aforesaid, the interest acquired by such purchase or enfranchisement shall be subject in equity as is provided by section three of the said Act of the fourteenth and fifteenth years of her Majesty, concerning the interest in land acquired by any lessee under that Act.

36. *Wherever estate under such lease or grant is vested in trustees, and moneys are vested in same trustees, they may raise out of such moneys sufficient for renewal of lease, &c.* Wherever the estate and interest under any such lease or grant may be vested in any trustee or trustees, either expressly or by implication of law, and any moneys, stocks, funds, or securities for money are vested in the same trustees or trustee, upon the same or like trusts it shall be lawful for such trustees or trustee with the consent of the person or persons entitled for the time being to the beneficial receipt of the dividends or annual proceeds of such moneys, stocks, funds, or securities, if such person or persons shall be capable of giving consent, or if there shall be no person capable of giving consent, or if such consent shall be withheld, and the trustee or trustees shall consider such a course essential to the interest of the parties entitled under the settlement, then with the sanction and approbation of the Court of Chancery, to be obtained on petition to the said Court, to raise out of such moneys, or by sale of such stocks, funds, or securities, a sufficient sum for the purpose of purchasing the reversion of, or otherwise enfranchising, the property comprised in such lease or grant, and of procuring, if necessary for the purpose of enfranchisement, the renewal of such lease or grant, and to pay and apply the same accordingly, and all payments and applications of moneys, or of the proceeds of the sale of such stocks, funds, or securities so made as aforesaid, shall be valid and binding on all persons interested under the trust, will, or settlement under or by which such moneys, stocks, funds, or securities for money may be held in trust or settled as aforesaid.

37. *Lands in the lease or other lands settled to like uses may be sold or mortgaged to raise money for purchase of reversion, under direction of the Court of Chancery.* Where any such lease or grant may be vested in any person or persons as a trustee or trustees, whether expressly or by implication of law, and other lands, whether freehold, copyhold, or leasehold, are vested in the same trustees or trustee upon the same or like trusts, or are settled to the same uses or purposes, or as near thereto as the different tenures of the lands admit, or where any person is under any will or settlement in the actual possession or receipt of the rents and profits of the lands comprised in such lease or grant and of other lands settled to like trusts or uses as aforesaid, it shall be lawful for such trustees or trustee, or such person as aforesaid, with the sanction and approbation of the Court of Chancery, to be obtained on petition to the said Court, to raise money either by sale or mortgage of all or any part of the property comprised in the lease or grant, and the other lands, whether freehold, copyhold, or leasehold, vested in such trustee or trustees, or settled as aforesaid, as the said Court shall direct, for the purpose of purchasing the reversion of, or otherwise enfranchising the property comprised in such lease or grant, in such manner, and subject to such provisions for protecting or adjusting the equities arising under such purchase or enfranchisement and such mortgage or sale aforesaid, as the Court shall think fit; and all sales and mortgages effected for the purposes aforesaid shall be valid and binding on all persons interested under the trust, will, or settlement under which such lands may be held in trust or settled as aforesaid.

38. *Trustees empowered to sell estates held under lease.* In any case in which the estate and interest under any lease or grant made by any ecclesiastical corporation may be vested in

any trustee or trustees, and such trustee or trustees shall not have power to sell, it shall be lawful for such trustee or trustees, with the consent in writing of the person or persons entitled for the time being to the beneficial receipt of the rent or annual proceeds thereof, if such person or persons shall be capable of giving consent, or if there shall be no person capable of giving consent, or if such consent shall be withheld and the trustee or trustees shall consider a sale essential to the interests of parties entitled under the settlement, then, with the sanction and approbation of the Court of Chancery, to be obtained on petition to the said Court, to sell and dispose of all or any part of such property; and in every such case the purchase money shall be paid to such trustee or trustees, whose receipt shall be a good discharge for the same; and the money so paid to such trustee or trustees shall be invested and be held by him or them upon the same trusts, as far as the circumstances of the case will admit, as the leasehold property, if not sold, would have been subject to; and such investment may, with the sanction and approbation of the Court of Chancery, be made in the purchase of other leasehold estates, whether held under any ecclesiastical corporation or not.

39. *Persons empowered to raise money for enfranchisement may give lands in exchange for reversion.* Any person authorised under this Act or otherwise to raise money for the purchase of the reversion of any lease or grant may exchange with the corporation by which such lease or grant was made, or with the ecclesiastical commissioners, any part of the lands comprised in such lease or grant, for the reversion, estate, or interest of such corporation or the Ecclesiastical Commissioners in any other part of the lands comprised therein, or may exchange such lands or any part thereof for the reversion, estate, or interest of the corporation by which any lease or grant was made in any lands comprised in any other lease or grant held under the same trusts, or settled to the same uses, trusts, or purposes.

40. *Compensation to officers of ecclesiastical corporations.* And whereas certain officers of ecclesiastical corporations will be injured by the restriction herein-before contained on the power of granting leases, whereby such officers will be deprived of the profits arising from the preparation of such leases and other instruments connected therewith: it shall be lawful for the said Ecclesiastical Commissioners, and they are hereby required, to award and pay to such officers such sum of money or annuity as may be deemed by the said commissioners a sufficient compensation for the loss such officers will from time to time sustain by reason of the restriction aforesaid: provided, nevertheless, that such officers have personally discharged their own duties.

41. *Provision as to arbitration.* Where by this Act it is provided that any matter in difference shall be referred to arbitration, or where any difference shall arise between the commissioners and any body or person touching the annual or other sums of money to be paid to any archbishop or bishop as herein directed, or touching the value or nature of the estates proposed to be assigned as endowment for any archbishop or bishop, the matter in difference shall be referred to two arbitrators, one to be appointed by each party, and all the provisions of "The Common Law Procedure Act, 1854," applicable in the case of such an arbitration, shall apply accordingly; and for the purpose of the application of the said Act this Act shall be deemed the "document" authorising the reference to arbitration, and where any matter is so referred, the award of the arbitrators or umpire shall be final.

42. *Extension of patronage exchange powers.* It shall be lawful for any person within the meaning of the term person, as the same is interpreted by the Act sixteenth and seventeenth Victoria, chapter fifty, to exchange under the provisions of the same Act any advowson or ecclesiastical patronage belonging to such person for any advowson or ecclesiastical patronage belonging to any ecclesiastical corporation aggregate or sole, or any other person.

43. *Treasurer's receipts to be full discharges.* Every receipt or acknowledgment of payment already given or to be given by the treasurer for the time being of the said Ecclesiastical Commissioners shall fully discharge the person or corporation to whom the same shall be given from all responsibility in respect of the amount in such receipt or acknowledgment expressed to have been received or paid, and from all liability in respect of the application or misapplication thereof.

44. *Not to affect Christ Church, Oxford, or Collegiate Church at Manchester.* Nothing in this Act contained, except sections eighteen, nineteen, and forty-two, shall in any manner affect or

apply to the Cathedral Church of Christ in Oxford, nor shall anything in this Act contained affect or apply to the Cathedral or Collegiate Church of Manchester, or to the Parish of Manchester Division Act, 1850.

CAP. CXXV.

An Act for better regulating the Supply of Gas to the Metropolis. [28th August, 1860.]

CAP. CXXVI.

An Act for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster. [28th August, 1860.]

WHEREAS it is desirable further to improve the process, practice, and mode of pleading in, and, in some respects, to enlarge the jurisdiction of the superior courts of common law; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Relief against Forfeiture.

1. *Relief against forfeiture for nonpayment of rent.* In the case of any ejectment for a forfeiture brought for nonpayment of rent, the Court or a judge shall have power, upon rule or summons, to give relief in a summary manner, but subject to appeal as herein-after mentioned, up to and within the like time after execution executed, and subject to the same terms and conditions in all respects, as to payment of rent, costs, and otherwise, as in the Court of Chancery; and if the lessee, his executors, administrators, or assigns, shall upon such proceeding be relieved, he and they shall hold the demised lands according to the lease thereof made, without any new lease. (a)

(a) The power thus given to the courts of law is not a new jurisdiction, though it is intended. It was conferred upon them by 4 Geo. 2, c. 28, and again by the Common Law Procedure Act, 1852. But under those Acts relief could only be given before trial. (See *Doe d. West v. Davies*, 7 East. 363.)

2. *Relief against forfeiture for non-insuring.* In the case of any ejectment for a forfeiture for breach of a covenant or condition to insure against loss or damage by fire, the Court or a judge shall have power, upon rule or summons, to give relief in a summary manner, but subject to appeal as herein-after mentioned, in all cases in which such relief may now be obtained in the Court of Chancery, under the provisions of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the present reign, intitled An Act to further amend the Law of Property, and to relieve Trustees, and upon such terms as would be imposed in such Court. (b)

(b) The jurisdiction given in this section is quite new so far as the courts of law are concerned; and, indeed, prior to the Act referred to in the margin a forfeiture by reason of a breach of the covenant to ensure could not have been relieved even in equity, as it was considered that no adequate compensation could be made to the lessor. (See *Reynolds v. Pitt*, 19 Ves. 134.)

3. *Minute of relief granted.* Where such relief shall be granted, the Court or a judge shall direct a minute thereof to be made by indorsement on the lease or otherwise, (c)

(c) The object of this provision appears to be to guard against the success of any subsequent application for relief by the same person in respect of the same covenant.

Appeal.

4. *Appeal to the Court from order of judge.* Any order made by a judge upon an application for relief under the provisions of this Act shall be subject to an appeal to the Court, and may be discharged, varied, or set aside by the Court, upon such terms as the Court shall think fit, on application made thereto by any party dissatisfied with such order.

5. *Power to appeal from order of Court.* It shall be lawful for the party against whom the Court makes any rule or order in respect of such relief to appeal from such rule or order.

6. *Courts of appeal.*] The courts of error shall be courts of appeal for the purposes of this Act.

7. *Notice of appeal.*] No appeal shall be allowed unless notice thereof be given in writing to the opposite party or his attorney, and to one of the masters of the Court, within four days after the decision complained of, or such further time as may be allowed by the Court or a judge.

8. *Bail.*] Notice of appeal shall be a stay of execution, provided bail to pay the sum demanded, and costs be given in like manner and to the same amount as bail in error, within eight days after the decision complained of, or before execution delivered to the sheriff.

9. *Form of appeal.*] The appeal herein-before mentioned shall be upon a case to be stated by the parties (and in case of difference to be settled by the Court, or a judge of the Court appealed from), in which case shall be set forth so much of the pleadings, facts, and the order, rule, or judgment objected to as may be necessary to raise the question for the decision of the court of appeal.

10. *Judgment of court of appeal, and power to remit proceedings.*] The court of appeal shall give such judgment or make such rule as ought to have been given or made in the court below, and shall have power to remit the cause, with such directions as they shall think proper; and all such further proceedings may be taken thereupon as if the judgment or rule had been given or made by the court below.

11. *Power of court of appeal as to costs, &c.*] The court of appeal shall have power to adjudge payment of costs, and to order restitution. (d.)

(d) These appeal clauses are adopted from the answering provisions of the Common Law Procedure Act, 1854 (sects. 35—42), with regard to motions to enter a verdict or for a new trial.

Interpleader Proceedings.

12. *Interpleader may be granted though titles have not a common origin.*] Where an action has been commenced, in respect of a common law claim for the recovery of money or goods, or where goods or chattels have been taken, or are intended to be taken, in execution under process issued from any one of the superior courts, or from the Court of Common Pleas at Lancaster, or the Court of Pleas at Durham, and the defendant in such action, or the sheriff or other officer, has applied for relief under the provisions of an Act made and passed in the session of Parliament held in the first and second year of the reign of his late Majesty King William the Fourth, intitled An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the subject of such claims, it shall be lawful for the Court or a judge to whom such application is made, to exercise all the powers and authorities given to them by this Act, and the herein-before mentioned Act passed in the session of Parliament held in the first and second years of the reign of his late Majesty King William the Fourth, though the titles of the claimants to the money, goods, or chattels in question, or to the proceeds or value thereof, have not a common origin, but are adverse to and independent of one another. (e.)

(e) This provision has been enacted on account of the courts of law having considered themselves bound in disposing of interpleader summonses by the rules of equity in bills for interpleader. And one of these was only to interfere where there was some privity of title between the different claimants. (See *Dunlop v. Ashgrove*, 3 Bro. C. C. 36.) In cases in which the sheriff is the party applying for relief, the Court of Equity has not usually interfered at all. (See *Tufton v. Harding*, 1 L. T. R. J. 244.)

13. *Court or judge may direct sale of goods seized in execution.*] When goods or chattels have been seized in execution by a sheriff or other officer, under process of the above-mentioned Courts, and some third person claims to be entitled under a bill of sale or otherwise to such goods or chattels, by way of security for a debt, the Court, or a judge may order a sale of the whole or part thereof, upon such terms as, to payment of the whole or part of the secured debt, or otherwise, as they or he shall think fit, and may direct the application of the proceeds of such sale in such manner, and upon such terms, as to such Court or judge may seem just.

14. *Power to court or judge to decide summarily in certain cases.*] Upon the hearing of any rule or order calling upon persons to appear and state the nature and particulars of their claims, it shall be lawful for the court or judge, wherever, from the smallness of the amount in dispute or of the value of the goods seized, it shall appear to them, or him desirable and right so to do, at the request of either party, to dispose of the merits of the respective claims of such parties, and to determine the same in a summary manner, upon such terms as they or he shall think fit to impose, and to make such other rules and orders therein as to costs and all other matters as may be just.

15. *Special case may be stated where facts undisputed.*] In all cases of interpleader proceedings, where the question is one of law, and the facts are not in dispute, the judge shall be at liberty, at his discretion, to decide the question without directing an action or issue, and if he shall think it desirable, to order that a special case be stated for the opinion of the court.

16. *Proceedings on special case in court below and, in error.*] The proceedings upon such case shall, as nearly as may be, be the same as upon a special case stated under "The Common Law Procedure Act, 1852," and error may be brought upon a judgment upon such case; and the provisions of "The Common Law Procedure Act, 1854," as to bringing error upon a special case, shall apply to the proceedings in error upon a special case under this Act.

17. *Judgment and decision when to be final.*] The judgment in any such action or issue as may be directed by the court or judge in any interpleader proceedings, and the decision of the court or judge in a summary manner shall be final and conclusive against the parties, and all persons claiming by, from, or under them.

18. *Rules, orders, &c., made in interpleader proceedings, may be entered of record and made evidence.*] All rules, orders, matters, and decisions, to be made and done in interpleader proceedings under this Act (excepting only any affidavits may, together with the declaration in the cause, if any, be entered of record, with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times, if required, and to secure and enforce the payment of costs directed by any such rule or order; and every such rule or order so entered shall have the force and effect of a judgment in the superior courts of common law. (f.)

(f) This clause is taken from the Interpleader Act (1 & 2 W. 4, c. 58, s. 7), the concluding words known as to the orders operating as a judgment having been now added. As to the effect and force of a judgment now with respect to land, see the Act of this session, 23 & 24 Vict. c. 38.

Procedure and Practice.

19. *Joinder as plaintiffs of all persons supposed to be legally entitled.*] The joinder of too many plaintiffs shall not be fatal, but every action may be brought in the name of all the persons in whom the legal right may be supposed to exist; and judgment may be given in favour of the plaintiffs by whom the action is brought, or of one or more of them, or in case of any question of misjoinder being raised, then in favour of such one or more of them as shall be adjudged by the Court to be entitled to recover: provided always, that the defendant, though unsuccessful, shall be entitled to his costs occasioned by joining any person or persons in whose favour judgment is not given, unless otherwise ordered by the Court or a judge. (g.)

(g) Before this provision the joinder of too many plaintiffs was an objection which might have been taken on a plea denying the contract or if the misjoinder appeared on the record motion in arrest of judgment or proceedings in error. In most cases of misjoinder, however, the error might be amended under the Common Law Procedure Act, 1852, and the effect of the present provision will be to allow of the same judgment being given as if under the former practice the plaintiff misjoined had been struck out at all of the claims were equally good.

20. *Defendant to have benefit of set-off, though some plaintiffs improperly joined.*] Upon the trial of such cause a defendant who has therein pleaded a set-off may obtain the benefit of his set-off by proving either that all the parties named as plaintiffs are indebted to him, notwithstanding that one or more of such

plaintiffs was or were improperly joined, or on proving that the plaintiff or plaintiffs who establish their right to maintain the cause is or are indebted to him. (h)

(h) The plea of "set-off" given by 2 Geo. 2, c. 22, s. 13, and 8 Geo. 2, c. 24, s. 5, is applicable only where there are mutual debts between the whole of the parties to the record. Hence if a defendant were only able to give evidence of a debt due to him from one or some of the plaintiffs he would have failed.

21. *No other action for same claim to be brought.* No other action shall be brought against the defendant by any person so joined as plaintiff in respect of the same cause of action

22. *Provisions of 19 & 20 Vict. c. 108, as to replevin extended to all cases of replevin.* The provisions of an Act passed in the session of Parliament held in the nineteenth and twentieth years of the reign of her present Majesty, chapter one hundred and eight, which relate to replevin, shall be deemed and taken to apply to all cases of replevin, in like manner as to the cases of replevin of goods distrained for rent or damage feasant. (i)

(i) The occasion for the present provision was to quiet a doubt which had been raised as to whether the action of replevin referred to in 19 & 20 Vict. c. 108, was not merely with regard to *distresses*. But the action lies for any case of goods unlawfully taken from the owner (see *Mellor v. Seether*, 1 Ell. Bl. 619).

23. *Payment into court in replevin.* The plaintiff in replevin may in answer to an avowry pay money into court in satisfaction, in like manner and subject to the same proceedings as to costs and otherwise as upon a payment into court by a defendant in other actions.

24. *Effect of such payment.* Such payment into court in replevin shall not, nor shall the acceptance thereof by the defendant in satisfaction, work a forfeiture of the replevin bond.

25. *Payment into court in action on money bonds, and for detainer.* In any action brought upon a bond which has a condition or defeazance to make void the same upon payment of a lesser sum at a day or place certain, with a penalty, and in any action for detaining the goods of the plaintiff, it shall be lawful for the defendant, by leave of the court or a judge, and upon such terms as they or he shall think fit, to pay into court a sum of money to answer the claim of the plaintiff in respect of such bond in the former case, and in the latter case to the value of the goods alleged to be detained; and such payment into court shall be made and pleaded in like manner, and according to the provisions of "The Common Law Procedure Act, 1852," and the like proceedings may be had and taken thereupon as to costs and otherwise.

26. *Dower, writ of right of dower, and quare impedit abolished as real actions, and to be commenced by writ of summons.* No writ of right of dower or writ of dower *unde nihil habet*, and no plaint for free bench or dower in the nature of any such writ, and no *quare impedit*, shall be brought after the commencement of this Act in any court whatsoever; but where any such writ, action, or plaint, would now lie, either in a superior or in any other court, an action may be commenced by writ of summons issuing out of the Court of Common Pleas in the same manner and form as the writ of summons in an ordinary action; and upon such writ shall be endorsed a notice that the plaintiff intends to declare in dower, or for free bench, or in *quare impedit*, as the case may be. (k)

(k) Prior to this provision, the actions of *dower*, *right of dower*, and *quare impedit* (having been excepted from 3 & 4 W. 4, c. 27, s. 36, which abolished all other real and mixed actions), began by original writ sued out of Chancery, and the process by which was secured the appearance of the defendant (or tenant, as he was called in such actions), was both tedious and ineffective. Moreover, though after the appearance the proceedings were similar to those in personal actions, it was very doubtful to what extent, if any, the Common Law Procedure Act, 1852, applied to actions commenced by original (see *Marshall v. Bishop of Exeter*, 6 C. B. N. S. 716). "Plaints" in the nature of real or mixed actions refers to the method anciently in use of commencing remedies for the recovery of

land in inferior courts. "Free bench" is the name under which dower is by the customs of some manors claimable in the lord's court in respect of lands of copyhold tenure.

27. *Writ, and all proceedings thereupon, to be same as in ordinary actions.* The service of the writ, appearance of the defendant, proceedings in default of appearance, pleadings, judgment, execution, and all other proceedings and costs upon such writ, shall be subject to the same rules and practice, as nearly as may be, as the proceedings in an ordinary action commenced by writ of summons; and the provisions of "The Common Law Procedure Act, 1852," and of "The Common Law Procedure Act, 1854," shall apply to the writ and pleadings, and proceedings thereupon.

28. *Judge may refuse to interfere in proceedings to attach debts.* In proceedings to obtain an attachment of debts under "The Common Law Procedure Act, 1854," the judge may, in his discretion, refuse to interfere, where, from the smallness of the amount to be recovered, or of the debt sought to be attached, or otherwise, the remedy sought would be worthless or vexatious. (l)

(l) As to the cases in which proceedings in an action will be stayed for a "frivolity," see *Kennant v. Jones*, 4 T. R. 495; *Stutton v. Banett*, 3 Exch. 831.

29. *Proceedings where third person has a lien on the debt.* Whenever in proceedings to obtain an attachment of debts under the Act above mentioned it is suggested by the Garnishee that the debt sought to be attached belongs to some third person who has a lien or charge upon it, the judge may order such third person to appear before him, and state the nature and particulars of his claim upon such debt.

30. *Judge may bar claim of third person, and make orders.* After hearing the allegations of such third person under such order, and of any other person whom by the same or any subsequent order the judge may think fit to call before him, or in case of such third person not appearing before him upon such summons, the judge may order execution to issue to levy the amount due from such garnishee, or the judgment creditor to proceed against the garnishee, according to the provisions of "The Common Law Procedure Act, 1854," and he may bar the claim of such third person, or make such other order as he shall think fit, upon such terms, in all cases, with respect to the lien or charge (if any) of such third person, and to costs, as he shall think just and reasonable.

31. *Provisions of 17 & 18 Vict. c. 125, to apply to orders.* The provisions of "The Common Law Procedure Act, 1854," so far as they are applicable, shall apply to any order, and the proceedings thereon, made and taken in pursuance of the herein next before mentioned powers under this Act.

32. *Costs of writs of mandamus and injunction may be included in writs.* In all cases in which a writ of mandamus or of injunction is issued under the provisions of "The Common Law Procedure Act, 1854," such writ shall, unless otherwise ordered by the Court or a judge, in addition to the matter directed to be inserted therein, command the defendant to pay to the plaintiff the costs of preparing, issuing, and serving such writ; and payment of such costs may be enforced in the same manner as costs payable under a rule of court are now by law enforceable.

33. *Mode of enforcing writs of injunction against corporations.* Writs of injunction against a corporation may be enforced either by attachment against the directors or other officers thereof, as in the case of a mandamus, or by writ of sequestration against their property and effects, to be issued in such form and tested and returnable in like manner as writs of execution, and to be proceeded upon and executed in like manner as writs of sequestration issuing out of the Court of Chancery.

34. *Costs not recoverable in action for injury, and verdict less than £5, if judge certifies.* When the plaintiff in any action for an alleged wrong in any of the superior courts recovers by the verdict of a jury less than five pounds, he shall not be entitled to recover or obtain from the defendant any costs whatever in respect of such verdict, whether given upon any issue or issues tried, or judgment passed by default, in case the judge or presiding officer before whom such verdict is obtained shall immediately afterwards certify on the back of the record, or on the writ of trial or writ of enquiry, that the action was not really brought to try a right besides the mere right to recover damages, and that the trespass or grievance in respect of which the action was brought was not wilful and malicious, and that the action was not fit to be brought. (m)

(a) This section does not expressly refer to 3 & 4 Vict. c. 24, which is, however, considerably affected by the present enactment. That statute, however, only applied to actions of trespass or on the case, whereas the present clause will govern the practice in all actions for wrongs independent of contract, and will therefore include detinue and replevin. It will be remarked also that under the present Act the defendant has to apply for a certificate to deprive the plaintiff of costs. Under the statute of Victoria, if the plaintiff recovered less damages than 50s. he had no costs, unless he applied for and obtained a certificate to the effect specified in the concluding part of the present provision: *vd haa taA honotum ovolod-nitod deit totora to totollos haa vortio na sa ballous haa bottinba*

36. *Enactment in lieu of act. 28 of 17 & 18 Vict. c. 125.* The eighty-eighth section of "The Common Law Procedure Act, 1854," shall be and is hereby repealed; and from and after the passing of this Act the superior courts or any judge thereof may, upon summary application by rule or order, exercise such and the like jurisdiction as may be exercised by the Court of Chancery under the provisions of the ninth part of "The Merchant Shipping Act, 1854," *totora dno vna vrtid haa i mrt*

37. *Amendments.* It shall be lawful for the superior courts of common law, and every judge thereof, and any judge sitting as a Justices, at all times to amend all defects and errors in any proceedings under the provisions of this Act, whether there is anything in writing, to amend by or not, and whether the defect or error be that of the party applying to amend or not; and all such amendments may be made with or without costs, and upon such terms as to the Court or judge may seem fit, and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made if duly applied for, *vd totollos haa vrtid it an honotum ovolod-nitod deit*

38. *General rules may be made by the judges.* It shall be lawful for the judges of the said courts, or any eight or more of them, of whom the chiefs of each of the said courts shall be three, from time to time to make all such general rules and orders for the effectual execution of this Act and of the intention and object thereof, and for fixing the costs to be allowed for and in respect of the matters herein contained, and the performance thereof, as in their judgment shall be necessary or proper, and for that purpose to meet from time to time as occasion may require; provided that nothing herein contained shall be construed to restrain the authority or limit the jurisdiction of the said courts or of the judges thereof to make rules or orders, or otherwise to regulate and dispose of the business therein, *itd na a qidollos in totollos totora totora vrtid haa vrtid*

39. *New forms of writs and other proceedings.* Such new or altered writs and forms of proceedings may be issued, entered, and taken as may be by the judges of the said courts, or any eight or more of them, of whom the chiefs of each of the said courts shall be three, be deemed necessary or expedient for giving effect to the provisions herebefore contained, and in such forms as the judges of such courts respectively shall from time to time think fit to order; and such writs and proceedings shall be served upon and enforced in such and the same manner as writs and proceedings of the said courts are now acted upon and enforced, or as near thereto as the circumstances of the case will admit; and any existing writ or proceeding the form of which shall be in any manner altered in pursuance of this Act shall nevertheless be of the same force and virtue as if no alteration had been made therein, except as far as the effect thereof may be varied by this Act, *totollos haa vrtid it an honotum ovolod-nitod deit*

40. *Interpretation of terms.* In the construction of this Act, the word "court" shall be understood to mean any one of the superior courts of common law at Westminster; and the word "judge" shall be understood to mean a judge or baron of any of the said courts; and the word "master" shall be understood to mean a master of any of the said courts; and the word "action" shall be understood to mean any action in any of the said courts, *totollos haa vrtid it an honotum ovolod-nitod deit*

41. *Provisions relating to superior courts.* All the enactments and provisions of this Act shall extend and apply to the Court of Common Pleas at Lancaster and the Court of Pleas at Durham, and actions and proceedings therein respectively, subject to the following modifications: all the provisions of this Act to the judges of the said superior courts of common law at Westminster; and the respective judges and clerks of the Court of Common Pleas at Lancaster, and Court of Pleas at Durham; being judges of one of the said common

law courts at Westminster, or any two of them respectively, with respect to the said Court of Common Pleas at Lancaster and Court of Pleas at Durham respectively, and matters and proceedings therein within the jurisdiction of the same courts respectively; and all powers under this Act exercisable by any one judge of the superior courts at Westminster shall and may be exercisable by one judge of the said superior courts of the said counties, palatine, being also a judge of one of the said courts at Westminster, as to matters and proceedings in the said superior courts of the said counties palatine, to wit:—

42. *Provisions as to masters of Courts at Westminster.* Provided always, that all the provisions of this Act applicable to masters of the said courts at Westminster shall apply to the respective prothonotaries of the Court of Common Pleas at Durham and their respective deputies, who may singly exercise, with reference to matters and proceedings in the last-mentioned courts respectively, the powers hereby given to any one or more of the masters of the superior courts at Westminster.

43. *As to proceedings in appeal.* Provided also, as to proceedings in appeal, that the Court of Queen's Bench, being the court of error from the said Court of Common Pleas at Lancaster, and Court of Pleas at Durham, shall also be the court of appeal from the said respective courts for the purposes of this Act.

44. *Commencement of Act.* The provisions of this Act shall come into operation on the tenth day of October, in the year of our Lord one thousand eight hundred and sixty.

45. *Her Majesty may direct all or part of this Act to extend to any court of record.* It shall be lawful for her Majesty, from time to time, by any order in council, to direct that all or any part of the provisions of this Act, or of the rules to be made in pursuance thereof, shall apply to all or any court or courts of record in England and Wales, and within one month after such order shall have been made and published in the *London Gazette*, such provisions and rules respectively shall extend and apply in manner directed by such order, and any such order may be in like manner from time to time altered and annulled; and in and by any such order her Majesty may direct, by whom any powers or duties incident to the provisions applied under this Act shall and may be exercised with respect to matters in such court or courts, and may make any order, or regulations which may be deemed requisite for carrying into operation in such court or courts the provisions so applied.

46. *Short title.* In citing this Act in any instrument, document, or proceeding it shall be sufficient to use the expression "The Common Law Procedure Act, 1860."

47. *Extent of Act.* Nothing in this Act shall extend to Ireland or Scotland.

LAP. CXXVII.

An Act to amend the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers.

[28th August, 1860.]

WHEREAS an Act was passed in the session holden in the sixth and seventh years of her Majesty, intitled An Act for consolidating and amending several of the Laws relating to Attorneys and Solicitors practising in England and Wales, and an Act was passed in the session holden in the seventh and eighth years of her Majesty, intitled An Act for the Relief of Clerks, to Attorneys and Solicitors who have omitted to enrol their Contracts, and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases; and whereas by an Act passed in the session holden in the fourteenth and fifteenth years of her Majesty, intitled An Act for amending the several Acts for the Regulation of Attorneys and Solicitors, the privileges granted by the said Act of the sixth and seventh years of her Majesty to persons having taken certain degrees in the universities therein mentioned were extended to persons having taken the like degrees in the Queen's University in Ireland; and whereas it is expedient to amend the said Act of the sixth and seventh years of her Majesty, and the laws relating to proctors and certificated conveyancers, in manner hereinafter mentioned; be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the lords

A careful and complete analysis of the above important statute, showing the various alterations in the law it has effected, will be found upon p. 250 (vol. 2) and September 1860.

spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Interpretation of terms.] In the construction of this Act, unless there be something in the subject or context repugnant to such construction, the word "attorney" shall mean attorney of one or more of the superior courts of law at Westminster, or of the Court of Common Pleas of the county palatine of Lancaster, or of the Court of Pleas of the county palatine of Durham; the word "solicitor" shall mean solicitor of the High Court of Chancery; the word "registrar" shall mean registrar of attorneys and solicitors; the expression "the roll of attorneys and solicitors kept by the registrar" shall mean the roll or book, rolls or books of attorneys and solicitors, which by the first hereinbefore mentioned Act the registrar is required to keep; and the expression "the Incorporated Law Society" shall mean "the Incorporated Society of Attorneys, Solicitors, Proctors, and others not being barristers, practising in the Courts of Law and Equity of the United Kingdom."

2. Persons having taken degrees at certain universities may be admitted after three years' service.] Section seven of the first hereinbefore mentioned Act shall be repealed, and any person having taken the degree of bachelor of arts or bachelor of laws in the University of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University in Ireland, or the degree of bachelor of arts, master of arts, bachelor of laws, or doctor of laws, in any of the universities of Scotland, none of such degrees being honorary degrees, and who at any time after having taken such degree, and either before or after the passing of this Act, has been bound by and has duly served under articles of clerkship to a practising attorney or solicitor for the term of three years, and has been examined and sworn in manner directed by the first hereinbefore mentioned Act and by this Act, may be admitted and enrolled as an attorney or solicitor, and service for any part of the said term not exceeding one year with the London agent of such attorney or solicitor in the business, practice, or employment of an attorney or solicitor, either by virtue of any stipulation in such articles, or with the permission of such attorney or solicitor, shall be and be deemed to have been good service under such articles for such part of the said term; and where any person has before the passing of this Act, and at any time after having taken such degree, been bound as aforesaid for five years, he may, after having duly served three years of such term in such manner as would have been required if he had been bound for three years only, and having been examined and sworn as aforesaid, and with the consent in writing (endorsed on his articles of clerkship) of the attorney or solicitor to whom he may be bound, to the immediate determination of his articles of clerkship, be admitted and enrolled as an attorney or solicitor; and where such consent is given as aforesaid, and noted upon under this provision by the person hereby made eligible to be admitted and enrolled as aforesaid, the articles of clerkship shall be deemed to have determined as if they had determined by effluxion of time.

3. Persons having been at the bar may be admitted after three years' service.] Every person who has been called to the degree of utter barrister in England, and who, before becoming such barrister, has been bound by contract in writing to serve as a clerk for the term of five years, or who, after ceasing to be a barrister, has been bound by contract in writing to serve as a clerk for the term of three years, to a practising attorney or solicitor, and has in either of the said cases continued in such service for the term of three years, and during the whole of such three years served in such manner as is hereinbefore required in the case of persons who have taken degrees in the said universities, and having been examined and sworn as aforesaid, after the expiration of such term of three years (the examination and swearing taking place, in the first-mentioned case, after the person has ceased to be a barrister), may be admitted and enrolled as an attorney or solicitor: provided always, that in the case of any such person as aforesaid who has been bound for five years, it shall be necessary for such term to be determined with consent, as hereinbefore provided in the case of persons having taken degrees, who may have been bound for five years before the passing of this Act.

4. Persons having been bond fide clerks to attorneys, solicitors, or proctors for ten years may be admitted after three years' service.] Any person who, either before or after the passing of this Act, shall for the term of ten years have been

a bond fide clerk to an attorney, solicitor, or proctor, or attorneys, solicitors, or proctors, and during that term shall have been bond fide engaged in the transaction and performance, under the direction and superintendence of such attorney, solicitor, or proctor, or attorneys, solicitors, or proctors, of such matters of business as are usually transacted and performed by attorneys, solicitors, and proctors, and who shall produce to the examiners satisfactory evidence that he has faithfully, honestly, and diligently served as such clerk, and who after the expiration of the said term of ten years has been bound by and has duly served under articles of clerkship to a practising attorney, solicitor, or proctor for the term of three years, and has been examined and sworn in manner directed by the first hereinbefore mentioned Act and by this Act, may be admitted and enrolled as an attorney or solicitor or proctor, and service for any part of the said term not exceeding one year with the London agent of such attorney or solicitor or proctor in the proper business, practice, or employment of an attorney, solicitor, or proctor, either by virtue of any stipulation in such articles, or with the permission of such attorney, solicitor, or proctor, shall be and be deemed to have been good service under such articles for such part of the said term; and where any such person has, before the passing of this Act, been bound for five years, he may, after having duly served three years of such term in such manner as would have been required if he had been bound for three years only, and having been examined and sworn as aforesaid, and with the consent in writing (endorsed on his articles of clerkship) of the attorney, solicitor, or proctor to whom he may be bound, to the immediate determination of his articles of clerkship, be admitted and enrolled as an attorney and solicitor; and where such consent is given as aforesaid, and acted upon under this provision by the person hereby made eligible to be admitted and enrolled as aforesaid, the articles of clerkship shall be deemed to have determined as if they had determined by effluxion of time.

5. Judges may make regulations for persons who have passed certain examinations before articles to be admitted after four years' service.] The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may, if they think fit, from time to time, by regulations to be made by them, direct that any person having successfully passed any examination now or hereafter to be established in any of the universities hereinbefore mentioned, and to be specified in such regulations, may be admitted and enrolled as an attorney or solicitor, after having been subsequently bound by, and having duly served under, articles of clerkship to a practising attorney or solicitor for the term of four years, and been examined and sworn as aforesaid; and the said judges may from time to time revoke or alter such regulations as they think fit, but not so as to allow a less term of service than four years.

6. Sect. 6 of 6 & 7 Vict. c. 73, extended to persons articles for four years only.] Section six of the first hereinbefore mentioned Act shall apply as well to any person bound as therein mentioned as a clerk to a practising attorney or solicitor for the term of four years only, where under the said regulations that term is sufficient, as to any person so bound for the term of five years, and shall be read and construed accordingly.

7. Articles of clerkship to be produced to the registrar and entered within three months from enrolment.] The contract or articles whereby any person shall be bound to serve as a clerk to any attorney or solicitor, and also any assignment thereof, shall, within three months after the same has or have been respectively enrolled and registered pursuant to the first hereinbefore mentioned Act, be produced to the registrar, who shall enter the names of the parties to and the date of such contract or articles, and also of such assignment, if any, and the term of service, in a book to be kept for that purpose, and the registrar shall mark such contract or articles, and such assignment if any, as having been so produced and entered, with the date thereof, and shall be entitled to receive a fee of five shillings for the entry of such contract or articles, and the like fee for such assignment, if any, and such book shall be open to public inspection during office hours without fee or reward; and in case such contract or articles, and such assignment, if any, be not so produced to and entered by the registrar as aforesaid within such three months as aforesaid, the service of the clerk shall be reckoned to commence from the date of such production and entry, unless upon an application, of which notice shall be given to the registrar, one of the superior courts

of law at Westminster, or a judge thereof, or a judge of the Court of Chancery, shall otherwise order.

8. *Judges may require examination in general knowledge, either before articles or before admission, with power to dispense therewith in special cases.*] The Lords, Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may from time to time make regulations for the examination in such branches of general knowledge as they may deem proper of all persons (not having taken degrees or successfully passed such university examinations as aforesaid) hereafter becoming bound under articles of clerkship to attorneys or solicitors, and the said judges by such regulations may require such examination to be passed either before persons so become bound or at any time before their admission as attorneys or solicitors, as to the said judges may seem fit, and the said judges may from time to time revoke or alter any such regulations as they think fit, and may from time to time appoint examiners for conducting such examination as aforesaid; and no person required to pass such examination shall be capable of being bound as aforesaid, where such examination is required to be passed before being bound, or of being admitted as an attorney or solicitor where such examination is permitted to be passed at any time before admission, unless before being bound or before being admitted (as the case may require) he obtain from the examiners a certificate of having satisfactorily passed such examination: provided always, that the said judges, or any one or more of them, may, where under special circumstances they or he see fit so to do, dispense with compliance with such regulations entirely or partially, or subject to any such conditions as to them or him may seem fit.

9. *Judges may require an examination in legal knowledge during articles.*] The Lords, Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may from time to time, if they see fit, make regulations for the examination of persons hereafter becoming bound under articles of clerkship as aforesaid, at such times or periods of their service under such articles as the said judges may think fit and direct, in order to ascertain the progress made by such persons in acquiring the knowledge necessary for rendering them fit and capable to act as attorneys or solicitors, and such examination shall be conducted by the examiners appointed under the first herein-mentioned Act, or such other examiners as the said judges may from time to time appoint in this behalf; and the said judges may by such regulations, in the case of persons who fail to pass such examination to the satisfaction of the examiners, postpone, either for a definite time or such time as the said examiners may in each case think proper, and either conditionally or otherwise, the examination required to be passed at the expiration of the term of service under articles and before admission.

10. *Articled clerks not to hold other office or employment.*] No person hereafter bound by articles of clerkship to any attorney or solicitor shall, during the term of service mentioned in such articles, hold any office or engage in any employment whatsoever other than the employment of clerk to such attorney or solicitor, and his partner or partners (if any) in the business, practice, or employment, of an attorney or solicitor, save as by the first herein-before mentioned Act or this Act otherwise provided; and every person bound as aforesaid shall, before being admitted an attorney or solicitor, prove by the affidavit required under section fourteen of the first herein-before mentioned Act that he has not held any office or engaged in any employment contrary to this enactment, and the form of such affidavit as aforesaid shall be varied by such addition thereto as may be necessary for this purpose.

11. *Examination before admission to extend to all matters of business usually transacted or performed by attorneys or solicitors.*] The examination which under the first herein-before mentioned Act or this Act is authorised and required touching the fitness and capacity of a person to act as an attorney or as a solicitor (as the case may be), after the expiration of the term of his service under articles and before his admission as an attorney or solicitor, shall be deemed to include such examination touching his fitness and capacity to act in matters of business usually transacted or performed by attorneys or solicitors as the examiners for the time being deem proper, subject nevertheless to any rules, orders, or regulations for conducting the said examination to be from time to time made in manner provided by the first herein-before mentioned Act.

12. *Where the three, four, or five years expire in any vaca-*

tion, examination may take place in term preceding such vacation.] Whenever any of the periods of three years, four years, and five years mentioned in this Act or in the first herein-before mentioned Act (whether the same period shall have commenced before or after the passing of this Act) shall expire in any vacation, then and in such case any person whose period of clerkship shall so expire shall be at liberty to pass his examination in the term immediately preceding the said vacation; and at any time in or after such vacation, and after the said period of clerkship shall have expired, the Master of the Rolls as to the Court of Chancery and any one of the judges as to the courts of common law at Westminster, on being satisfied by affidavit or otherwise that the period of clerkship of such person has expired, may proceed to administer to him the oath mentioned in the first herein-before mentioned Act and the oath of allegiance, and may do all other acts necessary for or towards the admission and enrolment of such person as an attorney or solicitor as provided in the said last-mentioned Act.

13. *Persons not to be admitted in palatine courts without examination.*] No person hereafter bound by articles of clerkship to any attorney of the Court of Common Pleas of the county palatine of Lancaster, or of the Court of Pleas of the county palatine of Durham, shall be capable of being admitted and enrolled as an attorney of such respective court, unless after the expiration of his term of service he have been examined touching his articles and service, and his fitness and capacity to act as an attorney of her Majesty's superior courts of law at Westminster, or a solicitor of the High Court of Chancery, in like manner as is required before admission as an attorney of the said courts of law, or one of them, or a solicitor of the Court of Chancery, and the judge or judges of such respective court of the county palatine of Lancaster or Durham be satisfied by such examination, or the certificate of the examiners, of his being qualified to act as an attorney or solicitor: provided always, that the enactments contained in the twelfth section of this Act shall extend and apply, *mutatis mutandis*, to persons hereafter bound by articles of clerkship to attorneys of the Court of Common Pleas of the county palatine of Lancaster and the Court of Pleas of the county palatine of Durham respectively, and to the judges of those Courts respectively.

14. *Attorneys or solicitors of the courts of Lancaster and Durham may be admitted to Court of Chancery and superior courts of law at Westminster.*] All persons who previously to the passing of this Act shall have been duly admitted and enrolled attorneys or solicitors of the courts of the counties palatine of Lancaster and Durham, or either of them, shall and may be admitted and enrolled attorneys and solicitors of the High Court of Chancery, and in her Majesty's superior courts of law at Westminster, in pursuance of the provisions of this Act, without further examination, upon payment of such fees and duty as by law required: provided always, that such admission and enrolment be perfected on or before the first day of Trinity Term, one thousand eight hundred and sixty-one.

15. *Persons admitted as writers to the signet, &c., may be enrolled as attorneys and solicitors.*] Every person who has been admitted and enrolled as a writer to the signet, or as a solicitor in the supreme courts of Scotland, or as a procurator before any of the sheriff courts of Scotland, and who, after being so admitted and enrolled, has been bound by and has duly served under articles of clerkship in England or Wales to a practising attorney or solicitor for the term of three years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an attorney and solicitor; and service for any part of the said term not exceeding one year with the London agent of such attorney or solicitor in the proper business, practice, or employment of an attorney or solicitor, either by virtue of any stipulation, or with the permission of such attorney or solicitor, shall be and be deemed to have been good service under such articles for such part of the said term.

16. *Provision as to admission to offices of solicitors who have been utter barristers.*] In every case where by statutory provision or by custom the qualification of a solicitor or attorney to hold any office is his having been admitted and enrolled as an attorney or solicitor a prescribed period, every person who either before the passing of this Act has been or hereafter shall be called to the degree of utter barrister in England, and who having been subsequently disbarred has been admitted and enrolled as an attorney or solicitor, shall, in lieu of such qualification as aforesaid, be qualified to hold any such office on the completion of the prescribed period, to be reckoned from the

date of such person being called to the degree of an utter barrister in England.

17. *Officers having custody of roll of attorneys and solicitors to transmit to registrar copies of enrolments at the end of each term.* The masters or other officers having respectively the custody of the rolls or books kept for the enrolment of attorneys or solicitors in the superior courts of law at Westminster, the Court of Chancery, the Court of the Duchy Chamber of Lancaster, at Westminster, and the courts of the counties palatine of Lancaster and Durham, shall, within seven days after the end of every term, transmit to the registrar, at the expense of such registrar, a copy, under the hands of such masters or officers respectively, or under the seals of their respective courts, of such rolls or books, so far as the same relate to attorneys or solicitors enrolled within such term.

18. *Registrar's certificates to be made the stamped certificates of the Commissioners of Inland Revenue.* From and after the fifteenth day of November next after the passing of this Act, instead of separate annual stamped certificates for attorneys and solicitors to be issued by the Commissioners of Inland Revenue as now required by law, the stamp duties chargeable on such certificates shall be denoted upon the registrar's certificates; and upon any such certificate being stamped accordingly, and the date of the payment of the duty certified by the proper officer by writing under his hand, or by other sufficient means, the same shall be and be deemed the proper stamped certificate required by law to be taken out by the attorney or solicitor named therein.

19. *The amount of stamp duty to be determined by the place of business.* For determining the rate of stamp duty payable on the certificate, the place or places where the attorney or solicitor shall carry on his business shall be deemed to be the place or places of his residence, within the meaning of the Acts relating to the stamp duties on certificates; and after the said fifteenth day of November the declaration required to be delivered to the registrar for the purpose of obtaining his certificate, and also the certificate to be granted thereon, shall accordingly specify the place or places where the attorney or solicitor by or for whom the certificate is required so carries on his business, and shall respectively be in the forms (A.) and (B.) contained in the schedule to this Act.

20. *The declaration, on applying for the registrar's certificate, to be in duplicate, and one copy to be left with the commissioners.*—Fees for registrar's certificate and for the examinations. The declaration required to be made for the purpose of obtaining the registrar's certificate shall be made out and signed in duplicate, and one of such duplicates shall be delivered to and left with the registrar, and the other produced to him, and the duplicate so produced, together with the certificate granted on such declaration, shall be left with the commissioners, or their proper officer, on applying to have the certificate stamped, and shall be and be deemed the note in writing required by law to be delivered to the commissioners, or their officer, to entitle the attorney or solicitor to a stamped certificate; and for every such certificate issued by the registrar, and the previous requisite search and inquiry, there shall be paid to him the sum of five shillings, and the registrar shall yearly render an account of all sums of money received in respect thereof, and of the application of the same, to the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, who may from time to time, by order under their hands, diminish such sum as they think fit; and the said Lords Chief Justices and Lord Chief Baron, jointly with the Master of the Rolls, by order under their hands, may also fix and regulate the fees to be taken for the several examinations by this Act authorized to be instituted, and may increase or diminish such fees from time to time: provided always, that a copy of such account so rendered as aforesaid shall be open to the inspection of any attorney or solicitor at the hall of the Incorporated Law Society.

21. *Certificate to be entered with the registrar; the commissioners to supply particulars where stamped before 2nd of January.*—Where stamped after 1st of January, certificate to be produced by the party, to be entered within a month. For enabling the registrar to enter upon the roll of attorneys and solicitors kept by him a note or minute of the time of stamping every certificate, the commissioners shall, whenever the same shall be required after the fifteenth day of February in every year, furnish to the registrar an account of the certi-

cates issued between the fifteenth day of November and the second day of January preceding, for which during the same period the stamp duties have been paid, specifying the names and places of business of the parties respectively to or for whom the same have been issued, and the dates of payment of the stamp duties; or in lieu of such account, the commissioners at their option shall return to the registrar the aforesaid duplicate declarations to which such certificates relate, with a note or memorandum on each of them specifying the date of payment of the stamp duty for the certificate; and the registrar shall, upon such account being furnished, or such duplicate declarations being returned to him as aforesaid, enter such note or minute as aforesaid; and in order to such entry being made in respect of certificates stamped at any other time, every such last-mentioned certificate shall, within a month of the payment of the duty, be produced to the registrar, who shall thereupon make such entry, and signify the same by a note or memorandum upon the certificate; and every such last-mentioned certificate which shall not be so produced within the said period shall have effect only as a qualification to practise from the time when it shall be produced: provided that it shall be lawful for the Master of the Rolls in the case of a solicitor, or one of the superior courts of law at Westminster, or one of the judges thereof, in the case of an attorney, at any time to make an order directing that any certificate not so produced shall have effect upon and from the time of stamping the same, or any subsequent period.

22. *When certificate to bear date and when to determine.*—Law lists to be prima facie evidence. Every certificate issued by the registrar between the fifteenth day of November, and the sixteenth day of December, in any year, shall bear date on the sixteenth of November, and shall take effect on that day for all purposes, provided it be stamped before the sixteenth day of December; and in every such case the sixteenth day of November shall, for the purpose of this Act, be deemed to be the date of the payment of the duty; but if such certificate be not so stamped, it shall take effect, as regards the qualification to practise, on the day on which it is stamped; and every certificate issued at any other time shall bear date on the day on which it is issued, and subject to the provision herein contained relating to certificates stamped after the first day of January in any year, and not produced within a month to be entered by the registrar, shall take effect as regards such qualification on the day on which it is stamped; and every certificate shall be and continue in force from the day on which it shall take effect as aforesaid, until the fifteenth day of November next following, inclusive, and no longer; and any list of attorneys, solicitors, and conveyancers, purporting to be published by the authority of the Commissioners of Inland Revenue, and to contain the names of attorneys, solicitors, and conveyancers who have obtained stamped certificates for the current year on or before the first day of January in the same year, shall, until the contrary be made to appear, be evidence in all courts, and before all justices of the peace and others, that the persons named therein as attorneys, solicitors, or conveyancers holding such certificates as aforesaid for the current year are attorneys, solicitors, or conveyancers holding such certificates; and the absence of the name of any person from such list shall, until the contrary be made to appear, be evidence as aforesaid that such person is not qualified to practise as an attorney, solicitor, or conveyancer under a certificate for the current year; but in the case of any person being an attorney or solicitor whose name does not appear in such list, an extract from the roll of attorneys and solicitors kept by the registrar, certified under the hand of the secretary of the Incorporated Law Society (while such society performs the duties of registrar), or of the registrar for the time being, shall be evidence as aforesaid of the facts appearing in such extract, and in the case of any person being a conveyancer whose name does not appear on such list the fact of his being so shall be proved in the way in which it is now by law required to be proved.

23. *In case of neglect for a year to renew certificate, order of Court or judge necessary.* If any attorney or solicitor after having at any time taken out a stamped certificate shall for the space of a whole year from and after the expiration thereof have neglected to renew the same for the following year, the registrar shall not afterwards grant a certificate to such attorney or solicitor, except under an order of the Master of the Rolls in the case of a solicitor, or of one of the superior courts of law at Westminster, or of one of the judges thereof, in the case of an attorney; and it shall be lawful for the Master of the Rolls, or such Court or judge, to direct the registrar to issue a certificate

11. Provisions for registration of existing authorities: For enabling the registrar to form a complete register of all such authorities and appointments as aforesaid, as well as those granted or made before the passing of the Act as the same were granted or made thereafter, the principal secretary of the Lord Chancellor, or other the officer having the care and custody of the lists of authorities now in force for the purposes aforesaid, so far as they relate to the Court of Chancery, and the clerks of the said Chief Justices of the Courts of Queen's Bench and Common Pleas, and of the Lord Chief Baron of the Court of Exchequer, or other the officers having the care and custody of the lists of authorities now in force for the purposes aforesaid, so far as they relate to such courts respectively, and the officers of the Court of the Duchy Chamber of Lancaster at Westminister, and the courts of the counties palatine of Lancaster and Durham, having the care and custody of the lists of authorities now in force for the purposes aforesaid, so far as they relate to such courts respectively, and the officer of the Court of Common Pleas with whom the certificates of the said acknowledgments of married women are lodged, so far as regards all appointments now in force for taking the said acknowledgments, shall

personally, on the expense of the registrant, prepare and transmit to subregistrars, with all convenient speed after the passing of this Act, a list of the persons having such authorities and appointments, as aforesaid, with the particulars thereof, and the places of business of such persons, and the registrar shall enter the particulars of all such authorities and appointments now in force in books to be kept for that purpose, which shall be open to inspection at all times.

32. How orders, &c. authorized by this Act may be made.} All
orders, &c. authorized by this Act to be made or done
by the Chief Justices of the Courts of Queen's Bench and
Common Pleas, and the Chief Baron of the Court of Exchequer,
jointly with the Master of the Rolls, may be made or done by
any two or more of them, the said Chief Justices and Chief Baron, jointly
with the Master of the Rolls.

53. [Nothing provisions enabling other than attorneys to act.]
Nothing in this Act shall extend to repeal, prejudice, or affect
any provisions in any Act of Parliament in anywise enabling
any person other than an attorney or solicitor to conduct, defend,
or appear for or against any person in any suit, matter, or proceeding,
or to constitute any person an attorney or solicitor, or to constitute

§ 34. *Stamped certificate not to be issued to conveyance under the Act without the owner's annual permission.* From and after the thirty-first day of October next after the passing of this Act it shall not be lawful for the Commissioners of Inland Revenue, or any of their officers, to grant or issue in any year to any person any such stamped certificate as is required to be taken on by every person who after the passing of this Act shall become a member of one of the four Inns of court in England, something under the name of a conveyance, unless and until he

have lost with the said commissioners on their proper officer, an order of the benchers of this inn of court, of which the applicant is a member, granting him permission for that year to take out such parchment or a copy of such order certified under the hand of their treasurer, sub-treasurer, or steward: provided always, that this clause shall not extend or apply to any person who at the time of the passing of this Act shall be lawfully practising as a barrister at law.

35. Not to extend to England and Wales.] This Act shall only extend to England and Wales, save as herein otherwise expressly provided.

36, 637 Vic. c. 73, and this Act to be as one.] The first
 herein-before mentioned Act and this Act shall be construed
 together as one Act.

SCHEDULES to which the Act refers.

SCHEDULE (A)
Form for Registrar's Certificate
Parliament is an assembly of the members of Parliament chosen in the

[The title of this Act], the Incorporated Law Society (for the name of the registrar for the time being), the registrar of attorneys and solicitors appointed under the Act of the session holden in the sixth and seventh years of Queen Victoria, of the candidates and apprentices several of the law

I hereby certify that _____
 is a _____
 at _____
 on _____

by the said agent; for she said, the name of the registrar for the time being, a declaration in writing, signed by the said attorney [or solicitor], or by his partner, or by his London agent on his behalf, as the case may be, attesting his name and place or places of business, and the date or one of the dates of which he is admitted - unattested on relation

one of the courts or wherein he is suggested an attorney or solicitor, together with the term and year in or as of which he was so admitted; and the said society for the said, the name of the registrar for the time being] hereby further certifies, that the said attorney (or solicitor) is duly enrolled in the Court of Queen's Bench at Westminster (or as the case may be).

(be a solicitor in the High Court of Chancery), and is entitled to practise as such attorney or solicitor, upon this certificate being duly stamped as required by law. Given under the hand of the Secretary of the Incorporated Law Society for the said the name of the registrar for the time being,

the Incorporated Law Society for signature of the registrar for the time

SCHEDULE (B.)

CERTIFICATE.

I, JAMES H. DUFFY, Esq., of the County of Lancaster at Westchester, New York, do hereby certify that JOHN A. DUFFY was admitted an attorney of the courts of this State on the _____ day of _____, 19____, having taken the oath of qualification of the said courts, and paid the fee thereon, and term in the year _____.

and that my [or his] place or places of business are as follow:

The number of attorneys and lobbyists to be in force for

CAP. CXXVIII.

An Act to enable the Lord Chancellor and Judges of the Court of Chancery to carry into effect the Recommendations and Suggestions of the Chancery Evidence Commissioners by General Rules and Orders of the Court. 28th August 1860.

WHEREAS by commissions under the great seal, dated respectively the eighteenth day of August and the thirteenth day of October one thousand eight hundred and fifty-nine, commissioners were appointed to inquire into the mode of taking evidence in the High Court of Chancery and its effects; and whereas two reports from the said commissioners have since been made to her Majesty; and whereas doubts have been entertained whether effect can be given to the recommendations and suggestions of the said reports by general orders of the Court without the authority of Parliament: he it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

ten to 1795 to make general rules and orders for carrying the said recommendations into effect. The Lord Chancellor, with the advice and assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or any three of them, may from time to time, as the Lord Chancellor with such advice and assistance as aforesaid may think fit, make general rules and orders for carrying the said recommendations and suggestions of the said reports or any of them, or any part thereof, into effect, and in relation to all matters consequential thereon or incidental thereto, and so far as to them shall seem expedient for varying and adding to the course of proceeding recommended in the said reports in respect of the matters to which the said reports relate; and such rules and orders may from time to time be rescinded or altered by the like authority; and all such rules and orders shall take effect as if they had been general rules and orders of the Court duly made.

2. Such general rules and orders to be laid before Parliament.] Provided always, that all such general rules and orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament if Parliament be then

the House cannot do so, it shall be the duty of the House to sit, or if Parliament be not then sitting within five days next after the next meeting thereof; and if either of the Houses of Parliament shall, by any resolution passed within thirty-six days after such rules or orders have been laid before such Houses of Parliament resolve that the whole or any part of such rule or orders ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall, from and after such resolution cease to be binding.

3. Act not to abridge, &c. powers of Lord Chancellor, &c. *marily general orders.* Nothing herein contained shall be construed to abridge or affect the powers of making general rules and orders which the Lord Chancellor, either alone or with such advice and assistance as aforesaid, might have exercised if this Act had not passed.

CAP. CXXIX.
An Act to grant Excise Duties on British Spirits and on

Spirits imported from the Channel Islands. [28th August 1860]

CAP. CXXX.

An Act to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Government of India

[28th August, 1860.]

WHEREAS the exigencies of the public service in India require that the Secretary of State in Council of India should be enabled to raise money in the United Kingdom on the credit of the revenues of India; be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. **Power to the Secretary of State in Council of India to raise day on not exceeding three millions.]** It shall be lawful for the Secretary of State in Council of India, at any time or times before the thirtieth day of April one thousand eight

hundred and sixty-one, or, if Parliament be then sitting, before the end of the then Session of Parliament, to raise in the United Kingdom, for the service of the government of India, any sum or sums of money not exceeding in the whole three millions, and such sum or sums may be raised by the creation and issue of bonds or debentures, or capital stock bearing interest, or annuities, or partly by one of such modes and partly by another or others.

2. *Bonds may be issued under hands of two members of Council, countersigned, &c.]* All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State for India or one of his under secretaries, or his assistant under secretary, and shall be for such respective amounts payable after such notice and at such rate or rates of interest, as the said Secretary of State in Council may think fit.

3. *Debentures may be issued.]* All debentures issued under the authority of this Act may be issued under the hands of two members of the Council, and countersigned as aforesaid, for such respective amounts, and at such rate or rates of interest, as the Secretary of State in Council may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State in Council.

4. *As to payment of principal and interest on debentures.]* All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively; and the interest on all such debentures shall be paid half-yearly on such days as shall be mentioned therein; and the principal monies and interest secured by such debentures shall be payable either at the Treasury of the Secretary of State in Council in London or at the Bank of England.

5. *Debentures transferable by delivery or deed.]* All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal and interest monies secured thereby, shall be transferable either by the delivery of such debentures respectively, or, at the discretion of the Secretary of State in Council, by deed; provided that the coupons for interest annexed to any debenture issued under the authority of this Act, shall pass by delivery.

6. *Capital stock and annuities may be created and issued.]* Any capital stock created under the authority of this Act shall bear such a rate of interest, and any annuities to be created under the authority of this Act shall be at such rate per centum per annum, as the Secretary of State in Council may think fit; and such capital stock and such annuities may be issued on such terms as may be determined by the Secretary of State in Council; and any such capital stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State in Council may prescribe previously to the issue of such capital stock; and such annuities may be terminable at such period as the Secretary of State in Council may prescribe previously to the issue of such annuities.

7. *Transfer books of such capital stock and annuities to be kept.]* In case of the creation and issue of any such capital stock or of any such annuities, there shall be kept, either at the office of the Secretary of State in Council in London or at the Bank of England, books wherein entries shall be made of the said capital stock and annuities respectively, and wherein all assignments or transfers of the same respectively, or any part thereof respectively, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorized by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or the said annuities, or any part thereof respectively, or any interest therein respectively, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

8. *Annuities personal estate.]* All annuities created and issued under the authority of this Act shall be deemed and taken to be personal and not real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or entitled thereto, and not to the heir-at-law, nor be liable to any foreign attachment by the custom of London, or otherwise.

9. *The whole amount charged on revenues of India not to exceed three millions.]* The whole amount of the principal monies to be charged on the revenues of India under this Act shall not

exceed three millions; and no money shall be raised or secured under the authority of this Act after the said thirtieth day of April one thousand eight hundred and sixty-one, or, if Parliament be then sitting, after the end of the then Session of Parliament, save for or upon the repayment of principal monies previously secured under this Act as herein after provided.

10. *Power to raise money for payment of principal money.]* Upon or for the repayment of any principal money secured under the authority of this Act, the Secretary of State in Council may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money under this Act may require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money required to be repaid.

11. *Securities, &c. to be charged on revenues of India.]* All bonds and debentures to be issued under this Act, and the principal monies and interest thereby secured, and all capital stock to be issued under this Act, and the interest thereon, and all annuities to be issued under this Act, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the government of the said territories.

12. *Provisions as to composition for stamp duties on India bonds extended to bonds and debentures under this Act.]* The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

13. *Forgery of debentures to be punishable as forgery of East India bonds.]* All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting off knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture issued under the authority of this Act, as well as to and in respect of any bond issued under the same authority.

14. *Returns to be annually prepared of monies raised on loan, &c., and presented to Parliament.]* Provided always, that on or before the first day of February in each year the said Secretary of State in Council shall prepare or cause to be prepared a return of all monies raised on loan under the provisions of this Act; also a return of all stocks, loans, debts, and liabilities then chargeable on the revenues of India, at home and abroad, up to the latest period of time to which such return can be made out: that all such returns shall be presented to both Houses of Parliament on or before the first day of February in each year, if Parliament is then sitting, and if Parliament is not sitting, then such returns shall be presented within ten days of the first meeting of Parliament after the first day of February in each year.

15. *Saving powers of the Secretary of State in Council.]* This Act shall not prejudice or affect any power of raising or borrowing money vested in the said Secretary of State in Council at the time of passing thereof.

CAP. CXXXI.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the year One thousand eight hundred and sixty, and to appropriate the Supplies granted in this Session of Parliament. [28th August 1860.]

CAP. CXXXII.

An Act for raising the Sum of Two Million Pounds by Exchequer Bonds or Exchequer Bills for the Service of the Year One thousand eight hundred and sixty. [28th August, 1860.]

CAP. CXXXIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to gran

Allowances in certain Cases to Subaltern Officers, Adjutants, Paymaster, Quartermaster, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned officers. [28th August, 1860.]

CAP. CXXXIV.

An Act to amend the Law regarding Roman Catholic Charities. [28th August, 1860.]

WHEREAS it is expedient that the laws concerning charities relating to or connected with the Roman Catholic religion in England or Wales should be amended in the particulars hereinafter provided for: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and the commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Charities for lawful purposes not to be invalidated by the addition of unlawful trust, but the property may be apportioned, and the whole applied to lawful purposes.* No existing or future gift, or disposition of real or personal estate upon any lawful charitable trust, for the exclusive benefit of persons professing the Roman Catholic religion shall be invalidated by reason only that the same estate has been or shall be also subjected to any trust or provision deemed to be superstitious, or otherwise prohibited by the laws affecting persons professing the same religion; but in every such case it shall be lawful for the High Court of Chancery, or any judge thereof sitting at chambers, in exercise of the jurisdiction created by the Charitable Trusts Act, 1853, upon the application of her Majesty's Attorney-General, or of any person authorised for this purpose by the certificate of the board of charity commissioners for England and Wales, or for the said board upon the application of the person or persons acting in the administration of such real or personal estate, or of a majority of such persons, to apportion the same estate, or the annual income or benefit thereof, so that a proportion thereof, to be fixed by such court or judge, or by the said board, as the case may require, may be exclusively subject to the lawful charitable trusts declared by the donor or settlor, and that the residue thereof may become subject to such lawful charitable trusts for the benefit of persons professing the Roman Catholic religion, to take effect in lieu of such superstitious or prohibited trusts as the said court or judge, or the said board, may consider under the circumstances to be most just; and also that it shall be lawful for the court or judge, or board, making any such apportionment by the same or any other order or orders to establish any scheme for giving effect thereto, and to appoint trustees for the administration of the several portions of such real and personal estate, according to the trusts established of the same proportions respectively, and to vest the estate to be so apportioned in the trustees so to be appointed.

2. *No proceedings to be instituted as to dealings with Roman Catholic charities prior to 2 & 3 Will. 4, c. 115.* No proceedings at law or in equity shall be brought or instituted on account or in respect of any dealings, transactions, matters, or things with or concerning any real or personal estate subject to any use, trust, gift, foundation, or disposition for any charity relating to or connected with the Roman Catholic religion which took place prior to the passing of the Act of the second and third years of the reign of King William the Fourth, chapter one hundred and fifteen: provided that nothing therein contained shall extend to sanction or exempt from such proceedings as aforesaid the fraudulent misapplication or conversion of any such real or personal estate to any private use or purpose not being charitable.

3. *Certain deeds for Roman Catholic charities not to be void if enrolled within twelve months from passing of Act.* No deed or other assurance for any charity relating to or connected with the Roman Catholic religion made subsequently to the passing of the Act passed in the ninth year of the reign of King George the Second, intituled an Act to restrain the disposition of lands whereby the same become inalienable, and before the passing of this Act, shall be void or voidable by reason of the same not having been made, perfected, or enrolled in the manner directed by the first-mentioned Act, or otherwise, under the provisions of the said Act, if such deed or assurance has been or shall be, within twelve months after the passing of this Act, enrolled in the High Court of Chancery: provided that every deed or assurance for any such charity as aforesaid coming within the provisions of the Act passed in the ninth year of the reign of King George the Fourth, intituled an Act for Remedying a Defect in the Titles of Lands purchased for Charitable Purposes, shall have the benefit thereof, notwithstanding anything herein contained.

4. *Expense of enrolment, how to be defrayed.* The expense of the enrolment of any deed under the third section of this Act shall be defrayed out of the property subject to the charity to which the same may relate.

5. *The trusts of charities in the absence of settlements may be ascertained from the usage.* Where any real or personal estate, subject to any use, trust, gift, foundation, or disposition for any charity relating to or connected with the Roman Catholic religion, shall have been applied upon any charitable trusts relating to or connected with the same religion during any contiguous period of twenty years, but the original trusts of such property shall not be ascertained by means of any written document, the consistent usage of the last preceding twenty years or of the last period of twenty years during which any consistent usage in the application of such property shall have prevailed, shall be deemed to afford conclusive evidence of the trusts on which the same property shall have been settled.

6. *The Act not to prejudice past or pending proceedings of adverse possession.* Nothing in this Act contained shall extend to give effect to any use, trust, gift, foundation, or disposition heretofore made which has been already avoided in any proceeding at law or in equity or to prejudices any suit at law or in equity commenced before the passing of this Act, or to affect any property held or enjoyed beneficially by any person or persons at the time of the passing of this Act adversely to any such use, trust, gift, foundation, or disposition.

7. *Nothing in this Act to repeal provisions of 10 G. 4, c. 7.* Nothing in this Act contained shall be taken to repeal or in any way alter any provisions of an Act passed in the tenth year of his late Majesty King George the Fourth, intituled an Act for the Relief of his Majesty's Roman Catholic Subjects, respecting the suppression or prohibition of the religious orders or societies of the church of Rome bound by monastic or religious vows.

8. *Interpretation of "charity."* In the construction of this Act, except where the context or other provisions of this Act shall require a different construction, the expression "charity" herein contained shall be construed to mean and include the same matters and things as the like expression means and includes in the "Charitable Trusts Act, 1853."

9. *Short title.* This Act may for all purposes be cited as "The Roman Catholic Charities Act."

10. *Extent of Act.* This Act shall be confined in its operation to England and Wales.

OBSERVATIONS ON THE ABOVE ACT.

The subject of superstitious trusts and provisions is closely connected with the law of mortmain. For whereas by sect. 1 of the 23 Hen. 8, c. 20, it was enacted that grants of land for a longer term than twenty years should be void, if made on trusts for devotional institutions, it was held (see *Porter's case*, Rep. 24) that the prohibition did not extend to anything but superstitious as distinct from charitable uses though these last were afterwards, by (9 Geo. 2, c. 36), required to be by indenture executed in the presence of witnesses twelve months before the death of the donor, and enrolled in chancery within six months after its execution, and moreover the gift must be to take effect immediately, and be without power of revocation or other clause for the benefit of the donor, or those claiming under him.

It has been held that a conveyance made contrary to these provisions, is not only inoperative with regard to the superstitious or charitable uses, but also is utterly void whereby the estate limited becomes forfeited to the Crown. (See *Doe v. Wright*, 2 Barn. & Ald. 710.) Hence many charities for the benefit of Roman Catholics have altogether failed by reason of some of the uses having been held to be superstitious, and therefore void under the statute of Hen. 8, though others were lawful; or else by reason of the charitable trusts not having been properly enrolled, or not possessing the proper incidents above mentioned to make them lawful under 9 Geo. 2, c. 36. The first section of the above Act is therefore intended to relieve Roman Catholics from the first of these hardships; and the third section extends the time for enrolment given by the Act of Geo. 2, till the 28th August, 1861.

It may be observed that the general provisions of the

"Charitable Trusts Acts" have been suspended year by year since 1853, so far as charities or institutions *exclusively* for the benefit and under the superintendence of Roman Catholics are concerned; but the present Act places such charities as are vested in land for purposes partly at all events held to be superstitious, under the partial superintendence of the charity commissioners.

CAP. CXXXV.

An Act for the Employment of the Metropolitan Police Force in Her Majesty's Yards and Military Stations. [28th August, 1860.]

CAP. CXXXVI.

An Act to amend the Law relating to the Administration of Endowed Charities. [28th August, 1860.]

WHEREAS it is expedient to provide increased and inexpensive facilities for the administration of endowed charities: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *The Charitable Trusts Acts to be construed with this Act.* [The Charitable Trusts Act, 1853, and "The Charitable Trusts Amendment Act, 1855," and this Act, shall be construed together as one Act, and any provisions of the said former Acts inconsistent with this Act are hereby repealed.]

2. *Certain administrative powers to be exercisable by the charity commissioners.* [The board of charity commissioners for England and Wales, subject to the restrictions and rights of appeal herein-after provided, shall have power from time to time, upon the application of any person or persons, who, under the forty-third section of "The Charitable Trusts Act, 1853," might be authorized to apply to any judge or court for the like purposes, to make such effectual orders as may now be made by any judge of the Court of Chancery sitting at chambers, or by any County Court or district Court of Bankruptcy, for the appointment or removal of trustees of any charity, or for the removal of any school master or mistress or other officer thereof, or for or relating to the assurance, transfer, payment, or vesting of any real or personal estate belonging thereto, or entitling the official trustees of charitable funds, or any other trustees, to call for a transfer of and to transfer any stock belonging to such estate, or for the establishment of any scheme for the administration of any such charity.]

3. *Board to notify to trustees of charity their intention of exercising jurisdiction.* [The said board, previously to making any order under the jurisdiction vested in them by this Act, shall notify to the trustees or administrators (if any) of the charity to be affected thereby their intention of exercising such jurisdiction, by notice in writing, to be delivered to them, or sent to them by the post at their last known place of abode in Great Britain or Ireland.]

4. *The powers to be exercisable over no charities of which the gross income shall exceed £50 without application of trustees.* [The said board shall not make any order, under the jurisdiction vested in them by this Act, with respect to any charity of which the gross annual income, exclusively of the yearly value of any buildings or land used wholly for the purposes thereof, and not yielding any pecuniary income, shall amount to fifty pounds or upwards, except upon the application of the trustees or persons acting in the administration of the charity, or a majority of them, to be made to the said board in writing under their hands if they shall be unincorporated, or under their common seal if they shall be incorporated, and the board shall not make any order removing any trustee on the ground only of his religious belief.]

5. *The board shall not exercise jurisdiction over contentious cases.* [The said board also shall not exercise the jurisdiction hereby vested in them in any case which, by reason of its contentious character, or of any special questions of law or of fact which it may involve, or for other reasons, they may consider more fit to be adjudicated on by any of the judicial courts.]

6. *Notices to be given of certain orders, and objections or suggestions to be received.* [No order appointing or removing a trustee, or establishing a scheme for the administration of any charity, shall be made by the said board before the expiration of one calendar month after public notice of the proposal to make such order shall have been given, as they may consider

most expedient and effectual for ensuring the publicity thereof, in each parish or district in which the charity, if of a local character, shall be applicable, or among all persons interested therein; and no order removing a trustee or schoolmaster, or mistress or other officer of a charity who shall have any known place of residence in Great Britain or Ireland, and who shall not be consenting to be discharged, shall be made before the expiration of one calendar month after notice of the proposal to make such order shall have also been delivered to him or her, or sent by the post or otherwise to such his or her place of residence, and until after sufficient hearing of the matter before the said board, or some member thereof, or one of their inspectors; and every notice hereby required shall contain (so far as conveniently may be) sufficient particulars of the objects of the proposed order, and shall prescribe a reasonable time within which any objections thereto or suggestions thereon may be made or transmitted to the board; and the said board shall receive and consider all such objections and suggestions, and may withhold, suspend, or modify their proposed order, as they shall thereupon, or in the result of further inquiry, or otherwise, think expedient.]

7. *Publication of definite orders.* [A copy of every such order when made shall, in the case of any local charity, be deposited for the space of one calendar month in some convenient place within the parish or one of the parishes or in the district in which the charity shall be applicable, and shall be open to public inspection there at all reasonable hours during the same period; and a copy also of every such order relating to any charity, whether local or general, shall be kept open to public inspection, at all reasonable hours, at the office of the commissioners, during a like period of one calendar month; and in each case effectual publicity shall be given to the making of the order by such means as the board shall consider most expedient for that purpose.]

8. *Power to appeal against orders of board.* [The Attorney-General, or any person authorised by him or by the said board, in the case of any charity, whatever may be the yearly income of its endowments, and any trustee or person acting in the administration of or interested in any charity of which the gross yearly income to be calculated in manner aforesaid shall exceed fifty pounds, or any two inhabitants of any parish or district in which the same shall be specially applicable, may, within three calendar months next after the definitive publication of any order of the said board appointing or removing a trustee or trustees, or for or relating to the assurance, transfer, payment, or vesting of any real or personal estate, or establishing a scheme for the administration of the charity, present a petition to the High Court of Chancery, in a summary way, appealing against such order, and praying such relief as the case may require; and any schoolmaster or schoolmistress or other officer removed by the order of the board, without the concurrence of the trustees or persons acting in the administration of the charity, or a majority of them, and without the approval of a special visitor, if any, of the charity, may, within two calendar months (next after his or her removal), appeal in like manner against the order of removal; and the Court, upon or before the hearing of any such petition of appeal as aforesaid or at any stage of the proceedings, may require, if he shall think fit, from the said board, their reasons for making the order appealed against, or for any part of such order, and may remit the same to the board for reconsideration, with or without any declaration in relation thereto, or may make any substitutive or other order in relation to the matter of the appeal, as it shall think just; and the Court may make any order respecting the costs, charges, or expenses incident to the appeal, and may also, before hearing or proceeding with the same, require from any appellant, other than the Attorney-General, proper security for such costs, charges, and expenses as may be eventually payable by him; but no such petition of appeal shall be presented by any person, other than the Attorney-General, before the expiration of twenty-one days after written notice, under the hand of such appellant, of his or her intention to present such petition shall have been delivered to the said board at their office.]

9. *Who may be the respondent on appeals.* [The Attorney-General, if he shall think fit, or any person authorised by him or by the said board, may appear as the respondent upon any such appeal, and the Court may make any order respecting the costs, charges, and expenses of the Attorney-General or other defendant.]

10. *Powers to be applicable to charities seated in corporations, &c.* [The jurisdiction vested by this Act in the said board shall

to exercise with reference to charities vested in any corporation sole or aggregate, who, either solely or jointly with any other person or persons, shall, also, be the recipients of the benefit thereof.

11. Jurisdiction of the district courts of bankruptcy and county courts charged.] The jurisdiction vested by the Charitable Trusts Act, 1853, in the district courts of bankruptcy and county courts, over charities not possessing a larger gross yearly income than thirty pounds, shall be exercisable by the said courts respectively for the like purposes and under the like provisions over charities of which the gross yearly income for the time being, to be calculated in manner aforesaid, shall not exceed fifty pounds, in the same manner as if the last-mentioned limit to the jurisdiction of the said courts had been fixed by the said former Act.

12. Official trustees of charitable funds may be empowered to receive arrears of dividends.] Any court or judge, or the said board, having jurisdiction to authorise the official trustees of charitable funds to call for a transfer of and to transfer any annuities, stock, or securities, may empower them also to receive and recover, in trust for the charity to which the same shall belong, all dividends, interests, and income accrued from any such annuities, stock, or securities respectively and which shall for the time being be in arrear.

13. Power for magistrates to give possession of school buildings and property held over by officers or recipients of charities.] Where any school master or mistress, or other officer, or any recipient of the benefit of a charity, being in possession by virtue of his or her office, or as such recipient, of any house, buildings, land, or property of the charity, shall have been removed from or shall cease to hold such his or her office, or his other place as such recipient, but he or she, or any person claiming under him or her, shall refuse or neglect to relinquish the possession of such house, buildings, land, or property within one calendar month next thereafter, to his or her successor, or to the trustees or persons acting in the administration of the charity, or as they shall direct, it shall be lawful for any two or more justices of the peace acting for the district, division, or place in which such house, buildings, land, or property shall be situate, in petty sessions assembled, and they are hereby required, on the complaint of the said trustees or administrators, and on the production of an order of the said board certifying such school master or mistress or other officer or recipient to have been duly removed from or to have ceased to hold his or her office or place (which order under the seal of the said commissioners shall be conclusive evidence of the facts thereby certified, and of the jurisdiction of the said commissioners, to make such order for all the purposes of this enactment, and shall afford a complete immunity to all persons acting thereunder,) to issue a warrant under the hands and seals of such justices to any constables or peace officers of the same district, division, or place, commanding them, within a period to be thereby appointed, not being less than ten or more than twenty-one clear days thereafter, to enter into the premises, and deliver possession thereof to the said trustees or administrators, or their nominee or agent, and to remove therefrom such former school master or mistress, or other officer or recipient, and all persons claiming in his or her right, as fully and effectually, and subject to the same provisions, as nearly as the case will permit, as justices of peace are empowered to give possession of any properties to the landlord or his agent upon the determination of the tenancy thereof, under an Act passed in the first and second years of the reign of her Majesty, chapter seventy-four, for facilitating the recovery of possession of tenements after the determination of the tenancy.

14. Masters and mistresses of endowed schools to be removable.] Every school master and mistress, appointed after the date of this Act shall be removable from his or her office, after reasonable notice by the trustees or persons acting in the administration of the charity, as they shall think expedient, in the interests thereof, or in any other case that they may, by virtue only of this provision, of a master or mistress who would be otherwise irremovable from his or her office shall be determined by all or a majority of such trustees or administrators assembled at a meeting convened by due notice delivered or sent by the post to all such trustees or administrators who shall have any known place of residence in Great Britain or Ireland, by the space of not less than twenty-eight days previously, for the special purpose of considering and determining on the question of such removal, and of which intended meeting a notice shall also be delivered or sent in like manner to the master or mistress by the same previous time, and so also that the resolution of the meeting

for the removal of any such last-mentioned master or mistress shall be forthwith certified under the hands of the trustees or persons acting as aforesaid who shall have concurred therein, or under the hand of the chairman of the meeting, and shall within seven days next thereafter be transmitted to the said board for their approval, and the same shall not take effect unless and until the same shall have been approved by the said board, who may also, if they so think fit, fix the time or any reasonable conditions at or under which the same shall come into operation; if also there shall be any special visitor of the charity who shall be resident in Great Britain or Ireland, and free from incapacity, no removal of any such last-mentioned master or mistress shall be made under the authority only of the preceding provision without the written consent of such visitor: provided always, that this section shall not apply to any endowed grammar school.

15. Seal of 21 of 16 of 37 of Act 24 of 1871 amended.] The power vested in the said board by the twenty-first section of the Charitable Trusts Act, 1853, of authorizing the application of monies belonging to any charity or to be raised on the security of the property thereof to the improvement of such property, shall extend to authorize the application of any like monies in any other purpose or object which the board shall consider to be beneficial to the charity or the estate or objects thereof, and which shall not be inconsistent with the trusts or intentions of the foundation.

16. A majority of trustees to have legal power of dealing with the charity estates.] A majority of two-thirds of the trustees of any charity assembled at a meeting of their body duly constituted and having power to determine on any sale, exchange, partition, mortgage, lease, or other disposition of any property of the charity, shall also have a legal power, on behalf of themselves and their co-trustees, and also of the official trustees of charity lands, where his concurrence would be otherwise required, to do, enter into, and execute all such acts, deeds, contracts, and assurances as shall be requisite for carrying any such sale, exchange, partition, mortgage, lease, or disposition into legal effect, and all such acts, deeds, contracts, or assurances shall have the same legal effect as if the same were respectively done, entered into, or executed by all the acting trustees for the time being, and by the said official trustees.

17. Official trustee not to be accountable for loss unless occasioned by his own neglect.] No official trustee of charitable funds, appointed under or in pursuance of the first or second section of this Act, shall be chargeable with or accountable for any loss or misapplication of the said charitable funds, or the dividends, interest, or income thereof, unless the same shall have been occasioned by or through his own wilful neglect or default.

18. Accounts to be laid before Parliament.] The official trustees of charitable funds shall lay before Parliament annually, on or before the fourteenth day of February, or as soon as practicable after Parliament shall be sitting, an account of the total amount of the capital stock, shares, and securities transferred to them in the year ending the thirty-first day of December preceding, and of the total amount of monies, other than dividends or interest, paid to them or to their account during the same period, and of the investment thereof, and of the capital stock, shares, and securities sold or re-transferred by them during the same period, and of the aggregate amount of the capital stock, shares, funds, and securities, and the balance of cash, held by them on such preceding thirty-first day of December, and annual valuations and profits and losses of the same.

19. Power to require the transmission of documents belonging to charities.] The board may require any person having the custody or control of any deed or document in which any charity or charities shall be solely interested to transmit the same to the office of the said commissioners for examination; and where such deed or document shall not be held by any person entitled as a trustee or otherwise to the custody thereof, the board may, either retain the same, or the custody thereof, in the repository provided by them under the sixth section of the Charitable Trusts Act, 1853, or in any other place which may be deemed to be the most advantageous to the charity, any time before, or at any time thereafter, return or give the same to the trustee or persons acting in the administration of the charity for the purposes thereof.

20. Orders in the exercise of powers conferred by this Act.] Orders made by the said board under the provisions of this Act shall be enforceable by the same means, and shall be subject to the same provisions, as an application under the Charitable Trusts Act, 1853, and the Charitable Trusts Amendment Act,

1855, respectively, to any orders of the said board made thereunder and which has shown a disposition to be conscientious in the discharge of its duties.

21. Board to make minutes.] The said board shall from time to time make such minutes as shall be required relative to the institution and conduct of their proceedings under the jurisdiction created by this Act.

22. Salary of the secretary.] There shall be paid to the secretary for the time being of the said commissioners, in consideration of the increase and extent of his official duties, such a salary, not exceeding the annual sum of eight hundred pounds, in lieu of the salary payable to him under the first cited Act, as shall from time to time be allowed by the Commissioners of her Majesty's Treasury.

23. Indemnity to the Bank of England and others.] Every order made under this Act under which any stock, shares, securities, or moneys shall be transferred or paid to or deposited with the trustees of any charity, or the official trustees of charitable funds, shall afford a complete indemnity to the governor and company of the Bank of England, and to all companies by whom respectively any such transfer, payment, or deposit shall be permitted or made, for permitting or making the same, and the said governor and company and other companies and persons shall be required to give effect or to conform to such order, and it shall not be necessary for them to inquire concerning the propriety of the same order, or the jurisdiction under which the same shall purport to be made.

24. Commissioners, &c., exempted from serving on juries.] Every commissioner, secretary, and inspector acting under or employed for the purposes of the said Acts shall be exempt from serving on juries while he shall be so acting or employed.

25. Short title.] This Act may be cited for all purposes by the short title of "The Charitable Trusts Act, 1860."

OBSERVATIONS ON THE ABOVE ACT.

This important Act confers, it will be observed, upon the Board of Charity Commissioners, established in 1853, extensive powers, which up to this time were exercisable only by the Court of Chancery, or district county or bankruptcy court. The marginal note to sect. 2, modestly terms these powers "administrative," but they are in fact judicial and of a very delicate nature, as they authorise the removal (as well as appointment) of the trustees or officers of any charity, as well as other matters more relating to the pecuniary resources or general arrangement of the charity. It is, however, to be remarked that the jurisdiction given by this Act can only be exercised with respect to charities whereof the gross annual income exceeds £50, on the application of the majority of the administrators of the charities themselves; and further, that in no case shall any trustee be removed (nothing is said as to other officers) on the ground only of his religious belief. (Sect. 4). Moreover, the new jurisdiction is not to be exercised where, by reason of the contentious character of the case, or of its involving special question of law or fact, or for other reasons, the board considers it to be more fit to be adjudicated on by any of the judicial courts.

It would certainly seem more desirable and more consistent with the ordinary rule, that there should be some mode of appealing from the decision of the board as to the case being or not being of a proper character to be adjudicated upon by themselves; but none appears to be given by the Act, as it is apprehended that the appeal given by sect. 8 would not apply to a question of jurisdiction only, though this may be a matter of some doubt.

No procedure is marked out by the present Act for carrying out the new jurisdiction conferred on the board. And it may be feared that too much will, in practice, depend upon the tact and discretion of the secretary for the time being.

CAP. CXXXVII.

An Act to make farther Provision with respect to Monies received from Savings Banks and Friendly Societies. [27th August 1860.]

WHEREAS by the Acts now in force relating to savings banks

and friendly societies various provisions have enacted for regulating the mode of investing the moneys received and to be received by the commissioners for the reduction of the national debt from savings banks and friendly societies and whereas it is expedient to make further provision for the investing of such moneys: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, as follows, that is to say:

1. Powers now vested in commissioners to extend to Parliamentary securities, &c.] The powers now vested in the commissioners for the reduction of the national debt in respect of all moneys remitted to them on account of savings banks and friendly societies shall extend to Parliamentary securities of whatsoever kind, created or issued, or which may hereafter be created or issued, under the authority of any Act or Acts of Parliament, for the interest on which provision is made by Parliament, and to any stock or debentures or other securities expressly guaranteed by authority of Parliament.

2. Annual report to be laid before Parliament.] The commissioners for the reduction of the national debt shall at the end of every year report to the Commissioners of her Majesty's Treasury, setting forth in detail the whole of the several transactions which shall have taken place during the course of the year in the investment of all moneys coming into their hands for savings banks and friendly societies, and of all the variations, if any, which may have taken place during such year in the securities held by the said commissioners for those institutions, and copies of such reports shall be laid before both Houses of Parliament not later than the fifteenth day of February, if Parliament shall be then sitting, and if not then sitting, then within ten days after the next re-assembling of Parliament.

CAP. CXXXVIII.

An Act to continue and amend the Peace Preservation (Ireland) Act (1856). [28th August 1860.]

CAP. CXXXIX.

An Act to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks. [28th August 1860.]

CAP. CXL.

An Act for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice. [28th August 1860.]

WHEREAS it is expedient that facilities should be given for the acquisition by rifle volunteer corps of ground for rifle practice: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. Short Title.] This Act may be cited for all purposes as "The Rifle Volunteer Grounds Act, 1860."

2. Not to apply to Ireland.] This Act shall not apply to Ireland.

3. Definition of "Rifle Corps."] The expression "Rifle Volunteer Corps" as herein used shall mean any Rifle Volunteer Corps of which her Majesty has accepted the offer of service, in pursuance of the several Acts of Parliament in that behalf provided, to which act of fit to be law of the said corps to be used for rifle practice and for the erection of butts and other accommodations for the use of the corps when practising with rifles, subject to the following restriction: that the assent of her Majesty's principal Secretary of State for the War department for the time being, hereinafter called the said principal secretary, shall be obtained to the purchase of any land under the powers of this Act, or to the grant of any land by any person or body of persons, in pursuance of the powers herein-after given.

[12.] *Testing of lands required by rifle corps.* [All lands acquired by any rifle volunteer corps under the powers and provisions of this Act shall vest in the commanding officer of the corps for the time being, and his successors in office, with power for such officer and his successors to sue and be sued, to make contracts, and to do other things relating to such land, under the official name of the commanding officer for the time being of the corps to which he belongs.]

(a) This clause appears to have the somewhat singular effect of creating the commanding officer of each rifle volunteer corps a corporation sole, as at common law, to whom as such all the ordinary incidents of such corporations will attach. Yet there is no express waiver of the privileges of the Crown with regard to mortmain, though the same effect is probably produced by the waiver implied by the assent of the Crown to the Act which contains this provision, and also by the assent required of the Secretary at War for the time being.

[13.] *Assent of Secretary for War.*

6. *Mode of obtaining assent of Secretary for War.* In order to obtain the assent of the said principal secretary to the purchase of land under this Act, the corps shall make an application to him in such manner as he may direct, describing the land intended to be purchased, and adding such particulars as to the circumstances of the corps, and as to the amount of purchase money, and as to other matters as he may require.

7. *Secretary for War to make inquiries.* Previously to giving his assent, the said principal secretary shall send an inspector to the land for the purpose of ascertaining the capabilities of such land to be converted into a rifle practice ground with due regard to the safety and convenience of the public.

8. *Power of Secretary for War to give or withhold assent.* Upon the receipt of the report of the inspector, the said principal secretary may give or withhold his assent, either with or without modification, and may annex to such assent, if given, any conditions or regulations he thinks fit, and the decision of the said principal secretary shall in all cases be conclusive.

9. *Incorporation of Acts.* 8 & 9 Vict. c. 19 & 19, incorporated. For the purpose of facilitating the purchase of lands in pursuance of the powers given by this Act, "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation (Scotland) Act, 1845," shall be incorporated with this Act, with the exception of the provisions that relate to the purchase of lands otherwise than by agreement.

10. *Construction of Acts hereby incorporated.* In the construction of this Act and the said incorporated Acts, this Act shall be deemed to be the special Act; and the rifle volunteer corps desirous of purchasing land shall be deemed to be the promoters of the undertaking; and under the term "land," a permanent right of shooting and drilling or any other easement in land shall be held to be included, and may be alone conveyed while the fee simple or other interest in such lands may be reserved.

11. *Grants to Rifle Corps.*

[Landlords empowered to convey lands to be used as rifle ground.] Any person seized in fee simple, fee tail, or for life of any tenement or lands of freehold, copyhold, or customary tenure, and having the beneficial interest therein, or in Scotland being the proprietor in fee simple or under entail, and in possession for the time being, may grant, convey, or enfranchise by way of gift in fee simple or for a term of years any quantity not exceeding four acres of such land, or any limited right as aforesaid over land to any extent exceeding twenty acres, to any rifle volunteer corps, provided always, that no such grant, conveyance, or enfranchisement made by any person seized only for life of any such tenement or lands shall be valid unless the person next entitled in remainder, in fee simple, or fee tail (if legally competent), is a party to, and join in such grant; provided also, that upon its being proved in manner herein-after mentioned, that any land granted, conveyed, or enfranchised as aforesaid, or any part thereof, has ceased to be used for the purposes of this Act, the same shall thereupon immediately revert to, and become a portion of the estate of which it formed a part before the grant was made.

[12.] *Power to grant right of shooting in royal parks, &c.* The chief commissioner of her Majesty's works and public buildings for the time being may grant to any rifle volunteer corps the right to use for the purposes of this Act any portion of such royal parks, gardens, and possessions as are under his management, upon such terms, for such time not exceeding twenty-one years, and subject to such other conditions as he thinks fit, provided always, that any such grant shall be at all times revocable by the Crown.

[13.] *Power for commissioners of her Majesty's woods, &c. to grant lands.* The commissioners of her Majesty's woods, forests and land revenues, or either of them, on behalf of her Majesty, her heirs and successors, may, with the consent of the commissioners of her Majesty's treasury, grant any licence for the use, during any term not exceeding twenty-one years, of any part of the possessions or land revenues of the Crown under their management, not exceeding four acres, to any rifle volunteer corps, for the purposes of this Act, upon such terms and conditions as to the said commissioners or commissioner may seem meet, and subject to this proviso, that in the event of its being proved as herein-after mentioned that the land in respect of which any such licence has been so granted as aforesaid, or any part thereof, has ceased to be used for the purposes of this Act, such licence shall thereupon cease and determine; and any licence to be so granted may be renewed from time to time.

14. *Chancellor and council of the duchy of Lancaster empowered to grant lands to rifle corps.* The chancellor and council of her Majesty's duchy of Lancaster for the time being may, by any deed under the hand and seal of the chancellor of the said duchy for the time being, attested by the clerk of the council of the said duchy for the time being, for and in the name of her Majesty, her heirs and successors, grant any licence for the use during any term not exceeding twenty-one years, to any rifle volunteer corps to be used by them for the purposes of this Act, of any lands forming part of the possessions of the said duchy, not exceeding in the whole four acres, upon such terms and conditions as to the said chancellor and council seem meet, subject to this proviso, that in the event of its being proved in manner herein-after mentioned that the land in respect of which any licence has been so granted, or any part thereof, has ceased to be used for the purposes of this Act, such licence shall thereupon cease and determine; and any licence so granted as aforesaid may be renewed from time to time.

15. *Officers of the duchy of Cornwall empowered upon sufficient authority to grant lands to rifle corps.* Any two or more of the principal officers of the duchy of Cornwall may with the consent of the commissioners of her Majesty's Treasury, under the authority of a warrant issued for that purpose under the hands of any three or more of the special commissioners for the time being for managing the affairs of the duchy of Cornwall, or under the hands of any three or more of the persons who may hereafter for the time being have the immediate management of the said duchy, if the said duchy is then vested in the Crown, or if the said duchy is vested in a Duke of Cornwall then under the privy seal of such Duke of Cornwall, or under the hands of any three or more of the persons for the time being having the immediate management of the said duchy, by deed under the privy seal of such duke, grant any licence for the use during any term not exceeding twenty-one years, to any rifle volunteer corps, to be used by them for the purposes of this Act, of any lands forming part of the possessions of the said duchy of Cornwall, not exceeding in the whole four acres, upon such terms and conditions as to the said special commissioners, or to the said duke, or such other persons as aforesaid seem meet, subject to this proviso, that in the event of its being proved in manner herein-after mentioned that the land in respect of which any licence has been so granted, or any part thereof, has ceased to be used for the purposes of this Act, such licence shall thereupon cease and determine; and any licence to be so granted as aforesaid may be renewed from time to time.

16. *Corporations, justices, trustees, &c. empowered to convey lands for the purposes of this Act.* Any corporation, ecclesiastical or lay, sole or aggregate, any officer, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, or parochial purposes, may grant any such licence for the use, during any term not exceeding twenty-one years, to any rifle volunteer corps, to be used by them for the purposes of this Act, of any quantity of land not exceeding four acres, that may be vested in such corporation, officers, justices, trustees, or commissioners, subject to the following provisions:

(1.) That no ecclesiastical corporation sole below the dignity

sequence of an union of benefices shall have become united for ecclesiastical purposes under this Act.

3. *Power to bishops of London or Winchester to issue commissions.*] Whenever it shall appear to the bishop of the diocese of London or of Winchester, as the case may be, that an union of benefices may with advantage to the interests of religion be effected within his diocese he may cause a commission to be issued under his hand and seal, addressed to five persons, to be nominated as after mentioned, authorising and requiring them to inquire into and report upon the expediency of the proposed union, and such commissioners shall and may inquire into all such matters in anywise affecting such union or connected therewith as they may deem necessary, and the commissioners shall make their return to the commission within six calendar months from the issuing of the commission, or within such enlarged time as the bishop shall, by writing under his hand, from time to time direct, and notice of the issuing of a commission shall be sent by the bishop to the vestry clerk of each parish proposed to be united, and notice thereof shall be published by such vestry clerk by affixing it upon the door of the parish church.

4. *Commission how to be nominated.*] Three of the commissioners shall be benefited clergymen residing within the diocese, of whom one shall be nominated by the dean and chapter of the cathedral church of Saint Paul, and two by the bishop of the diocese, and the remaining two shall be lay members of the Church of England, and shall be nominated to the bishop by the corporation of the City of London; and no commissioner shall be entitled to claim or shall receive any salary or payment for performing the duties imposed on him as such commissioner.

5. *The number to constitute a quorum, their powers, and the return to the commission.*] Three of the commissioners, of whom one shall be a lay commissioner, shall constitute a quorum; and the commissioners shall have power at their discretion to call for the production before them of any documents not affecting private interests which they may deem necessary for the purposes of the commission, and the persons having the care or custody of such documents shall be bound to produce them to the commissioners upon the requisition in writing of any two commissioners; and the commissioners may examine on oath all persons desirous or willing to be examined by them touching any matter relating to the object of the commission, and may administer the oaths necessary for that purpose, and the churchwardens of the parishes proposed to be united shall have notice of the sittings of such commission, and shall be entitled, with their vestry clerk, to attend thereat; and the commissioners shall, in their return to the commission, certify all such matters and things as shall appear to them material, together with their opinion as to the expediency or otherwise of the proposed union, and if they, or any three of them, competent to constitute a quorum, shall deem the union expedient, shall recommend the terms on which, in their opinion, the same ought to be effected.

6. *Disqualification of commissioners, and the issuing a fresh commission.*] If before the return to the commission any commissioner shall die, or become incapable of acting by removal from the diocese or otherwise, the commission shall continue in full force, unless there shall not be sufficient commissioners remaining to constitute a quorum; and notwithstanding the death or disqualification of any one or more of the commissioners the qualified commissioners for the time being shall continue to exercise the powers given to the commissioners by this Act until such vacancy or vacancies shall have been filled up, but if there shall not be a sufficient quorum, the bishop may, either before or after the time limited for the return to the commission, issue a fresh commission under the provisions of this Act in lieu of the original commission, and the commissioners under such substituted commission shall have all the powers of the original commission, and may adopt the evidence taken under it.

7. *Bishop to prepare and transmit proposals for a scheme to churchwardens and vestry.*] If the return to the commission shall recommend an union, the bishop shall cause proposals for a scheme, based upon the terms recommended, to be prepared for effecting the union, which proposals, with the consent thereto in writing of the patron or patrons of each of the benefices affected, shall be transmitted by the bishop to the churchwardens of each parish proposed to be united, in order that the same may be considered by the inhabitants in vestry assembled; and all such proposals shall have especial regard to the residence of the incumbent on the benefice proposed to be constituted the

united benefice, and shall contain all necessary provisions conducing to such residence.

8. *Vestry to notify assent or objections and bishop to transmit final proposals to ecclesiastical commissioners, to prepare scheme, and certify same to the Queen in council.*] The vestry of each parish shall, by the vestry clerk or other officer, notify to the bishop, within two calendar months after the receipt of the proposals, their assent or their objections to or any suggestions for the modification of the same, and the bishop shall give full consideration to every such notification of vestry, and shall make such alterations in the proposals as he may think right; and the bishop shall cause such proposals, as finally approved by him and assented to by the patrons, and by the vestries of the parishes to be affected thereby, to be transmitted to the ecclesiastical commissioners for England, who shall thereupon cause to be prepared a scheme for carrying out the proposed union, which scheme may, with the assent of the bishop and patrons, and the vestries of the parishes to be affected thereby, embody any modifications of the proposals, and shall send drafts of such proposed scheme to the churchwardens of the parishes to be respectively affected by the scheme, with notice that they or any of them may, within two calendar months, show cause to the ecclesiastical commissioners against the proposed union or any part or parts of the scheme relating thereto, and if within such period of two calendar months no cause be shown, the ecclesiastical commissioners shall certify the scheme, and the consent thereto in writing of the bishop and of the patron, and of the vestries of the parishes to be affected thereby, to her Majesty in council, and thereupon it shall be lawful for her Majesty in council to make and issue any order or orders for effecting the union, and for uniting the parishes of the united benefices into one parish for ecclesiastical purposes, and for such other purposes as are herein provided: provided always, that if any petition or statement is lodged by way of protest, or any appeal is made against the scheme or any part thereof, as herein after is provided, no such order or orders in council shall be made or issued until such petition or statement has been duly considered, or the parties to such appeal have been duly heard.

9. *What the commissioners shall insert in the scheme.*] It shall be lawful for the ecclesiastical commissioners to insert in any scheme to be prepared by them all proper directions for the appointment of the first incumbent of the united benefice, and for regulating the course and succession in which the patrons, if there be more than one patron, shall present or nominate to such united benefice from time to time as the same shall become vacant, and they shall have power to insert in any scheme all such provisions in addition to those hereby expressly authorized as may in their opinion be necessary for effectually carrying out the particular measures proposed by the scheme, including any provisions which may be found necessary for the compensation of any of the incumbents of the benefices to be united who may be willing to retire therefrom; and the Ecclesiastical Commissioners shall and may, for the purposes of this Act, exercise all powers and privileges now or for the time being exercisable by them under the Acts of Parliament relating to their commission, or under the Church Building Acts, particularly as regards the purchase of sites and the erection of churches.

10. *Part of a benefice or united benefice may be severed and included in scheme.*] Whenever it shall be deemed expedient to unite part only of a benefice with some other contiguous benefice or benefices, any portion of a benefice or benefices, or any portion of two or more benefices, which shall have been united under the provisions of this or of any other Act, or in any other manner, and either prior to or subsequently to the passing of this Act, may in the manner prescribed by this Act be severed from the remaining portion, and thereupon such a portion of the parish or united parishes to which the benefice shall belong as shall be determined by the scheme effecting the severance shall become disunited for ecclesiastical purposes; and the portion of benefice and parish so severed shall, for the purposes of an union of benefices under this Act, be deemed to be a separate benefice and parish respectively, and may by the same scheme and order in council under which such severance shall be effected or by any supplemental scheme, be united to any other contiguous benefice or benefices; and in such original or supplemental scheme provisions may be inserted for annexing to the severed portion a proportion of the real and personal property of the parish or united parishes from which such severance shall have been made, and for the dealing with and application of the property (if any) to be so annexed, and for defining and determining the rights of the parishioners of the severed portion in regard to the joint vestry of the newly united parish with which the severed

portion shall be incorporated, and as to the manner of exercising such rights, and all such other provisions as may seem to the ecclesiastical commissioners necessary or expedient in lieu of any provisions contained in this Act not applicable to an united benefice or parish of which a severed portion of a benefice or parish shall constitute part, and after the severance the remaining portion of the benefice or parish from which the severance shall have been made shall continue one benefice or parish or united benefice or parish, and shall not be otherwise affected by such severance; and whenever in this Act the consent of the patron of a benefice shall be required for carrying the same into effect, the patron whose consent shall be requisite in the case of any such severed portion shall be the patron of the benefice or united benefice from which such severance shall be intended.

11. *Surplus revenue of united benefice may be annexed as an endowment to any other benefice in the metropolis or its vicinity.* [Whenever it shall appear to the ecclesiastical commissioners that the total revenue of any benefices proposed to be united would be more than sufficient for the due maintenance and support of the incumbent of the benefice proposed to be constituted an united benefice, and of such assistant curate or curates as may be needed for the same, and that some specified part or parts of the permanent endowments belonging to the benefices proposed to be united, or any of them, might with advantage to the interests of religion be made subject to a certain annual rentcharge in perpetuity in favour of some other specified benefice in the metropolis or in the vicinity thereof, or might be excepted out of such union, and transferred and annexed to such other specified benefice, having no provision or no competent provision belonging thereto, as an endowment or a further endowment for the same, the ecclesiastical commissioners, with the consent of the patron or patrons of the benefices proposed to be united, and of the vestries of the parishes to be affected thereby, and of the bishop of the diocese within which such benefices shall be situate, may prepare and submit to her Majesty in council a scheme for providing such rentcharge, or for effecting such transfer or annexation, and thereupon it shall be lawful for her Majesty in council to make and issue an order or orders for giving effect to the said scheme of the commissioners, and in the scheme there shall be inserted all such powers for recovering the rentcharge (if any) by distress upon or perception of the rents and profits of the hereditaments to be charged therewith or otherwise, and for the immediate or prospective apportionment of such rentcharge or otherwise in relation thereto, as to the ecclesiastical commissioners shall seem reasonable and proper; and upon the order or orders directing such provision, transfer, or annexation coming into operation the rentcharge or other permanent endowments to be provided, transferred, or annexed shall, without any further deed, transfer, or other assurance, become and be for ever annexed to such benefice, and the same and all powers for recovering the rentcharge (if any), or relating thereto, shall be vested in and held and enjoyed and be exercisable by the incumbent thereof for the time being as the endowment or a part of the endowment thereof, subject and without prejudice nevertheless to all leases, grants, rents, charges, and incumbrances existing at the time of such provision, transfer and annexation legally affecting the same, but the Ecclesiastical Commissioners may, in their discretion, appropriate any part not exceeding one equal fifth part of the annual income arising from any such endowment during the whole or any part of the first five years next after the scheme shall come into operation as a fund in augmentation of the fund herein after provided for the payment of the costs, charges, and expenses of carrying the provisions of this Act into effect: provided that the amount of such rentcharge leviable under such scheme in any parish proposed to be united, and not included in the eleventh chapter of the statute of the twenty-second year of the reign of King Charles the Second, shall not exceed the average annual amount levied and paid to the incumbent of such parish in the seven years immediately preceding the passing of this Act.

12. *Patronage of benefices may be exchanged for facilitating unions.* [If for the purpose of more conveniently carrying the provisions of this Act into execution it shall appear to the Ecclesiastical Commissioners to be desirable, in any case of a proposed union of benefices, that an exchange should be made of the patronage of all or any of the benefices proposed to be united for the patronage of any other benefice, an exchange may (with the consent of the patrons of the benefices in respect whereof such exchange shall be intended, and with the approval of the Ecclesiastical Commissioners,) be made by

any person with any other person or corporation, or by any corporation with any other corporation or person, of the patronage or any rights of presentation to any benefice, whether the whole patronage of such benefice be vested in one person or corporation, or in different persons or corporations by way of alternate presentation or otherwise; and every such exchange shall be effected by the scheme for the proposed union of benefices; and after such exchange the patronage taken by each party by way of exchange shall be discharged from all prior title relating thereto; and the title to the patronage given by each party by way of exchange shall shift and attach to the patronage given to such party, which shall become subject to the same uses, trusts, powers, limitations, and provisions in every respect as the patronage so given would have been subject to if such exchange had not been made.

13. *Orders in council when published in the Gazette and registered to have force of law.* [The order or orders in council affirming any scheme or directing any union, severance, or annexation shall, as soon as may be after the making thereof by her Majesty in council, be inserted and published in the London Gazette, and shall be registered in the registry of the diocese, and the registrar of the diocese is hereby required to make such registry, and such order in council, so soon as the same shall have been gazetted, shall (but subject and without prejudice to the rights of any incumbent affected thereby who shall not assent thereto) have full force and effect of law in all respects, and as to all things therein contained.

14. *Scheme may provide for erection of new church or parsonage, removal of old church or parsonage, sale of site, &c.* [Any scheme may (but subject to objection and protest as after mentioned, and subject to the restrictions herein contained), provide for the erection of any new church or parsonage house, for the pulling down or removal of any existing church, except as hereinafter provided, or parsonage house of any benefice proposed to be united, and for the appropriation or sale of the materials and site of the same respectively, and of the ground annexed thereto and necessary for the use and enjoyment thereof, for the appropriation of any plate or other furniture held in trust for any church to be pulled down, for the disposal of any organ in such church, for the transfer of any lectureships attached to such church, but not so as to affect the right of appointment to any lectureship, or for sale or exchange of any parsonage or glebe houses or buildings, or the sites thereof, with their appurtenances, for compensation to parish clerks or other officers, or for arrangement with respect to fens or vestry rooms; but the font, communion table, and plate used for the purposes of the holy communion shall not be sold, but shall be transferred to the church of the united benefice, or if such font, communion table, and plate be not needed for such church, then to any other church or chapel, or churches or chapels, within the diocese which the bishop may select: provided always that nothing in this Act contained shall authorize the pulling down the churches of Saint Stephen's Walbrook, Saint Martin Ludgate, Saint Peter Cornhill, and Saint Swithine Canon-street; provided also, that the scheme for the removal of any church or parsonage shall provide for the erection of another church or parsonage within the limits of the metropolis.

15. *Schemes to be laid before Parliament before being submitted to her Majesty.* [Provided always that no such scheme shall be submitted to her Majesty in council until it has been laid before both houses of Parliament for the space of two calendar months.

16. *Judicial committee to consider protest against scheme.* [Any person interested who may have shown cause to the Ecclesiastical Commissioners against the proposed union of any benefices, or against subjecting the endowments or revenues thereof, or any part of them, to any rentcharge or transfer, or annexation, or against any part or parts of any scheme certified by them to her Majesty in council, may appeal to her Majesty in council against such scheme or any part thereof in the usual manner, or may, at his option, state in writing by way of protest his objections to such union or any part or parts thereof, and the Ecclesiastical Commissioners shall annex such written statement or protest to their certificate to the Queen in council, and her Majesty in council may order and direct that such objections shall be considered by the judicial committee of the privy council, and the said judicial committee shall make report to her Majesty in council thereupon, and may propose to her Majesty in council to affirm, vary, or dismiss the scheme certified by the commissioners, or to return the same to the said commissioners for alteration or amendment, and her Majesty in council may affirm, vary, or dismiss the scheme accordingly.

or return the same to the commissioners to be reconsidered as to any parts thereof.

17. *Site of church pulled down not to be sold or let without certain consents.* Nothing in this Act contained shall legalize the sale or letting or appropriation of the site of any church unless with the consents in writing of the archbishop of the province, the bishop of the diocese, the archdeacon, and the Secretary of State for the Home Department, and the site shall be dealt with subject to such directions and restrictions as to the removal of the remains of persons deposited under the church to be pulled down, and as to the not disturbing and finally closing such vaults or graves, as to such Secretary of State shall seem meet; but nothing in this Act contained shall legalize the sale or letting of any churchyard or burial ground; and no sale or letting shall be made of the site of any church wherein any bodies are known to be interred until after the remains of the persons deposited under such church shall have been properly removed at the cost of the Ecclesiastical Commissioners, to be paid out of the fund hereinafter provided, into some consecrated churchyard or burial ground, or to such portion of the vaults of the same church as may be separated and set apart for a burial place; and notice shall be given by the churchwardens, or one of them, to the heirs, executors, administrators of any persons interred in or under any such church, where they can be ascertained, of the intention to remove such remains; and a certificate in writing under the hand of one of the churchwardens of the united parish that such removal has been duly made, and that such notice has been given, or that such heirs, executors, or administrators cannot be ascertained, shall be conclusive evidence of the provisions of this Act in regard to such removal having been complied with; and as to any tablets or monuments in such church, the same, if not removed by the heirs, executors, administrators, relatives, or friends of the person, or of some or one of the persons, to whose memory the same shall have been erected, shall, at the cost of the Ecclesiastical Commissioners, to be paid out of the fund hereinafter provided, be carefully removed and fixed in some convenient part of the church to be constituted the church of the united parishes; but every such removal of tablets or monuments may be made without the necessity of a faculty from the bishop's court, and shall be free from the payment of any fees to the incumbent of such church or to any officer of the same or of the parish thereof: provided always, that it shall be lawful for the heirs, executors, administrators, relations, or friends of any persons who shall be interred or deposited in or under any such church, or in any such first-mentioned churchyard or burial ground, under proper direction, to remove the remains of such persons, and also the tablets or monuments erected to their memory, to any place they may think proper; and the expenses of such removal, not exceeding ten pounds in each case, shall be paid by the Ecclesiastical Commissioners out of the said fund.

18. *After union of benefices parishes to become united for ecclesiastical purposes, and scheme to determine which church to be parish church.* After an union of benefices, the parishes whereof the benefices shall be united shall become and continue united, but for ecclesiastical purposes only, and in case there shall be only one church left standing and remaining within such united parish, such church shall be the church of the united parish, but in case more than one church shall be left standing then the scheme shall determine which of the churches so left standing shall be the church of the united parish, and the vestry-room of the church so constituted the parish church shall be held to be the vestry-room of the united parish for the use of the parishioners thereof, and also the vestry-room for secular purposes for the parishioners of each of the parishes forming the united parish, and for the care and preservation of the deeds, muniments, and records belonging to the same, unless otherwise provided by the scheme.

19. *Bishop may allow additional church left standing to be used for certain services.* In case any church shall be left standing within the limits of any united parish other than the parish church, it shall be lawful for the bishop of the diocese, by an instrument in writing under his hand and seal, deposited in the registry of the diocese, to allow the same to be used for the performance of divine service, according to the rites and ceremonies of the united church of England and Ireland, in the Welsh or Irish, or in any foreign language, or for the purposes of a school or schools in connexion with the said united church: provided always, that nothing herein contained shall authorize any person to officiate in any such church, according to the rites and ceremonies of the united church of England and Ireland, except with the licence of the bishop; and that

before the grant of any permission by the bishop for the use of any such church for any of the purposes hereby authorized such bishop shall require proper provision to be made for the repair and sustentation of the fabric of the church so to be used, and for the preservation and care of the monuments and tablets therein.

20. *Estates of parishes united to remain distinct as before union, except as affected by this Act.* Notwithstanding any union of parishes under this Act, the parishes to become united shall, as to all estates and other property, and all rates, taxes, parochial rights, and all privileges, liberties, and respects whatsoever, other than such as are affected by this Act, continue and remain distinct, in the same manner as they were before such union, and the parishioners of such parishes shall continue severally to elect churchwardens and other parish officers for the said parishes in the same manner as they could have done before such union, and the churchwardens so to be elected in each of the said parishes shall together be churchwardens of the church of the united parish; and the vestries of the united parish shall together form one joint vestry for all ecclesiastical purposes; but whenever a parish or parishes shall be represented by a select vestry (unless all the parishes to be united shall be so represented), the persons to form the joint vestry shall consist of the select vestry for the time being of such parish or parishes and of parishioners, the number whereof shall be determined by the scheme of the other parish or parishes, and the mode of electing and maintaining the representation of the joint vestry of the parish or parishes not represented by a select vestry shall be determined by the scheme; and in the scheme may be inserted all such other provisions for the maintenance and regulation of the joint vestry, and for defining the proportions in which each parish shall contribute towards the sustentation of the fabric of the church of the united parish, and for the maintenance of the services therein, and for other ecclesiastical purposes, as the Ecclesiastical Commissioners, having regard to the circumstances of each particular case, may deem necessary.

21. *Property belonging to separate parishes how to be applied.* No union of benefices under the provisions of this Act shall affect the estates or property, donations, charities, and benefactions heretofore given to or for the benefit of the parishioners, or any of the parishioners of any particular parish, or held upon any special trusts, or applicable by law or usage for or towards the maintenance of the poor, but the same shall remain and continue to be applicable to the purposes to which the same have or ought to have been heretofore applied, except that where attendance, or the performance of divine service, or any other act is required at any church within the united parish other than the parish church of the united parish, the parish church shall, so far as regards any such attendance, performance of divine service, or other act, be deemed to be such other or original church; and all property which, if such union had not been effected, would have been vested in any incumbent for the time being of any benefice proposed to be affected by such union, either solely, or jointly with the churchwardens or any other person or corporation, upon any special trusts, the incumbent for the time being of the united benefice shall be substituted for and represent the incumbent of such separate parish; and the trust property shall vest in such incumbent, solely or jointly with such churchwardens or other person or corporation (as the case may be), and such incumbent shall have the same powers as the incumbent whom he shall represent would have had in regard thereto if such union of benefices had not been effected; and if any such property shall have been vested in a corporation of which the incumbent of the separate parish shall have been a member, the corporation shall not be affected by the union, but the incumbent for the time being of the united benefice shall become a member of such corporation in lieu of the incumbent of the separate parish.

22. *Providing fund for payment of expenses of carrying Act into execution.* All expenses which shall be incurred by or under the sanction or direction and on behalf of any bishop or the ecclesiastical commissioners in promoting any union of benefices, and in otherwise carrying the provisions of this Act into execution, and of the scheme under which any union shall be effected, including all preliminary expenses so incurred, shall be paid by the ecclesiastical commissioners, out of a fund to be provided by them in manner following (that is to say): they shall on the first sale by them of property or materials in pursuance of any scheme and order under this Act appropriate the whole or such portion as they may think sufficient of the produce of such sale as a fund, which shall be applied

by them in payment of the expenses incurred and to be incurred in relation to all the proposals, and schemes for the union of benefices, and the same fund shall from time to time be augmented by the said commissioners from the produce of similar sales of property as there may be occasion; and out of the fund so to be created the said commissioners shall defray all the expenses incurred in relation or incidental to any commission to be issued under this Act, having reference to any union or proposed union of benefices, and to all inquiries, proposals, and schemes which shall be made and prepared in consequence of any such commission (including all preliminary costs and expenses, whether incurred prior or subsequently to the creation of such fund); and whether such inquiries, proposals, and schemes shall result in an order in council or not, and after providing a sufficient fund for the payment of all such expenses, and after providing and appropriating a portion of such fund, sufficient in the opinion of the ecclesiastical commissioners to meet the probable preliminary expenses of any future commission to be issued under this Act, having reference to the union of benefices, the surplus of the monies so set apart shall be applied by them, with the consent in writing of the bishop for the benefit of any benefice or benefices in the metropolis, to whose benefit the said commissioners may, with such consent, think fit to apply the same.

23. *Scheme to be valid notwithstanding informalities or omissions.* After any scheme for an union of benefices or any supplemental scheme shall have been sanctioned by an order in council, such scheme shall be valid and of full force and effect, notwithstanding any previous non-compliance with any of the requirements of this Act, and notwithstanding any omission in regard thereto or non-observance thereof, and notwithstanding any variation between such scheme and the proposals originating the same.

24. *As to consent of patrons and vestries to schemes.* In order to give validity to any such scheme or supplemental scheme, the consent of the vestry of any parish shall be signified in writing under the hand of the chairman of such vestry stating that in a vestry duly convened for the purpose of giving such consent a resolution for giving such consent had been duly carried; and whenever under the provisions of this Act the consent of the patron of any benefice is made necessary to any proposal, scheme, or union, or to any exchange of patronage or other act, the consent of the person or persons or corporation who in case such benefice were vacant would be entitled to present thereto shall be sufficient; but if the right to present to such benefice shall be vested in different persons or corporations by way of alternate presentations, the consent of each other person or corporation in whom the expectant alternate right of presentation shall for the time being be vested shall be necessary; and the one hundred and twenty-six, one hundred and twenty-seventh and one hundred and twenty-eighth clauses of the Act of Parliament of the first and second Victoria, chapter one hundred and six, as regards the consent of patrons to the exercise of the powers given by that Act, shall be applicable to the consent of patrons under this Act, in the same manner as if the same clauses were here repeated and made applicable thereto; and if in any case it shall in the opinion of the ecclesiastical commissioners be doubtful what person ought to consent as or on behalf of the patron of any such benefice under the provisions of this Act, it shall be lawful for the ecclesiastical commissioners to specify the person or corporation by whom such consent ought to be given, and the consent of the person or corporation so specified shall be sufficient for all the purposes of this Act.

25. *Supplemental orders may be made.* Her Majesty in council may, at any time after the issuing of any order for the union of benefices, make a supplemental order, founded upon any scheme to be proposed to her Majesty in council by the ecclesiastical commissioners, for remedying any defects, or for supplying any omissions which in the opinion of the ecclesiastical commissioners shall appear to exist in the provisions of the order or orders affecting any such union, and for making any corrections and alterations in relation thereto which may be found necessary, and every such supplemental order shall have the same force and effect as if it had formed part of the original order made under the provisions of this Act; but the same consents shall be necessary to such proposed supplemental scheme as would under the provisions of this Act have been necessary to such supplemental scheme if the same had been an original scheme.

26. *Bishop may prepare a scheme as to lectures customarily preached in churches to be pulled down.* In the case of endowed lectureships, when the lectures have been customarily preached

in a church which may be taken down, or which may cease to be a parish church under the provisions of this Act, such lectures shall be preached in the church which shall have been or may be selected as the church of the parish of which the church may have been taken down, or the bishop of the diocese for the time being may, in order to avoid difficulties, prepare from time to time under his hand a scheme or schemes for transferring such lectures to other churches, to be preached therein at such times as to the said bishop may appear convenient; but not so as to affect the right of electing or nominating any lecturer, and such scheme shall be submitted by the said bishop to the Charity Commissioners under the "Charitable Trusts Act, 1853," and such scheme, if approved of by them, and by the vestries of the parishes affected thereby, or subject to such alterations therein as may appear to the said commissioners advisable, and as shall be approved of by the said bishop, and by the vestries of the parishes affected thereby, and if assented to in writing by the incumbent of the church to which it may be proposed to transfer the lectures, shall be valid, for effecting the purposes therein mentioned, and shall be registered in the registry of the diocese; but nothing in this Act contained shall give the bishop any power to license a lecturer, without the consent of the incumbent of the church in which such lecturer is to officiate.

27. *Bishop of diocese may direct churches to be re-seated, and seats to be appropriated for the accommodation of parishioners.* If any commissioner appointed under this Act shall report that it is not expedient to carry any proposed union into effect, but that it would be expedient to afford improved accommodation in one or more of the churches referred to in such report for casual residents in the city or town, and others not being parishioners, the bishop of the diocese may, in any such case, in which the funds for the alteration of the seats in the manner recommended in such report shall within two years from the date of such report be provided by local or public subscription, direct such church to be re-seated accordingly; and in such re-seating due provision shall be made for the appropriation of such number of seats as may be required for the accommodation of all parishioners attending divine worship in such church, and the churchwardens shall have power to alter from time to time the appropriation of such seats, and to appropriate to the use of parishioners such further number of seats as may be required by them, and all the seats both appropriated and free under any new arrangement made under this present provision shall be made as near as possible of the same size and general appearance.

28. *Appropriation of seats in church of united parish.* Upon any union of benefices the bishop of the diocese under his hand and seal shall and he is hereby authorized, by faculty from his court, to alter and re-adjust the seats, and the appropriation thereof, in the church of the united parish, so that not less than one half of the sittings in such church shall be left unappropriated, and the remainder shall be placed at the disposal of the churchwardens of such church, under the control and direction of the bishop, for the use of the parishioners of such united parish, discharged from all prescriptive and other pre-existing rights; and the bishop of the diocese, either upon an union of benefices, or at any time, and from time to time afterwards, may cause the church of the united parish to be re-seated, and may adjust and appropriate or re-adjust, and re-appropriate the sittings in the same church; and all monies expended and required for such purposes, and not provided by voluntary donation or in any other manner, shall be deemed expenses incurred by the bishop in carrying the provisions of this Act into execution, and shall be defrayed accordingly.

29. *Property to be sold to vest in Ecclesiastical Commissioners.* Upon any order in council under this Act coming into full operation all churches, houses, buildings, land, and hereditaments which shall be authorized by such order to be pulled down or sold shall, without any conveyance or other form of law, be and become absolutely vested in the Ecclesiastical Commissioners, in trust to deal with or dispose of the same, and the proceeds and produce thereof as directed by this Act, and the freehold of the parish church of the united parish, and the freehold of all such other lands and hereditaments previously vested in the respective incumbents of the parishes constituting the united parish as shall not be vested in the Ecclesiastical Commissioners, shall become vested in the incumbent for the time being of the united parish; and the said commissioners shall have power to make all necessary conveyances of the hereditaments so vested in them, and to make sale and dispose of the same, at such time and at such prices, and in such manner in all respects as to them shall seem expedient; and the

receipt in writing of the treasurers for the time being of the said Ecclesiastical Commissioners for the purchase money, rents, and profits of such hereditaments shall effectually discharge the purchasers thereof and other persons paying the same from the same purchase money, rents, and profits, and from all liability in respect thereof.

30. *Extending provisions of 1 & 2 Vict. c. 106, and 18 & 19 Vict. c. 127.* The provisions contained in the Act one and two Victoria, chapter one hundred and six, in relation to the dissolution of united benefices, shall apply to all benefices which shall have been united under the provisions of this Act; and the provisions of the Act eighteen and nineteen Victoria, chapter one hundred and twenty-seven, shall continue in full force as to every case in which proceedings shall have been commenced and shall be pending at the time of the passing of this Act notwithstanding the period of five years limited by the same Act shall have expired.

31. *Do not to interfere with powers of 1 & 2 Vict. c. 106, &c.* This Act shall not abridge or interfere with the powers contained in the Act of this first and second year of her present Majesty, chapter one hundred and six, or in any other Act of Parliament now in force in regard to the union of benefices, but all such powers and the powers conferred by this Act may be exercised independently of one another or concurrently.

32. *As to nomination of clerical commissioners in certain cases.* Where the proposed union is within the city of Westminster, one clerical commissioner shall be nominated by the dean and chapter of Westminster, instead of being nominated by the dean and chapter of Saint Paul's; and where the proposed union is not within the city of London or the liberties thereof, the lay commissioners shall be nominated to the bishop by the vestries of the parishes respectively proposed to be affected by the union, instead of being nominated by the corporation of the city of London.

CAP. CXLIII.

An Act to extend certain Provisions of the Titles of Land (Scotland) Act, 1858; to Titles to Land held by Burgage Tenure; and to amend the said Act.
[28th August 1860.]

CAP. CXLIV.

An Act to amend the Procedure and Powers of the Court for Divorce and Matrimonial Causes.

[28th August 1860.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The judge-ordinary may exercise powers now vested in the full court. Judge-ordinary may call in the assistance of one of the other judges. It shall be lawful for the judge-ordinary of the Court for Divorce and Matrimonial Causes, alone to hear and determine all matters arising in the said court, and to exercise all powers and authority whatever which may now be heard and determined and exercised respectively by the full court or by three or more judges of the said court, the judge-ordinary being one; or where the judge-ordinary shall deem it expedient, in relation to any matter which he might hear and determine alone by virtue of this Act, to have the assistance of one other judge of the said court, it shall be lawful for the judge-ordinary to sit and act with such one other judge accordingly, and, in conjunction with such other judge, to exercise all the jurisdiction, powers, and authority of the said court.

(2) The alteration made by this section, namely the permitting the judge-ordinary alone to try divorce cases, is mainly owing to a letter addressed to the Lord Chancellor by the Chief Justice of the Queen's Bench (dated 24th April, 1860), expressing the opinion of all the common law judges that such change should be made. The ground for their opinion was that the expenditure of judicial force involved in the attendance of the common law judges in the Divorce Court was for the most part pure waste, uncompensated by any advantage to the administration of justice in that court, since the great majority of cases were either undefended or the facts too clear to admit of doubt; or, at all events, the question to

be decided was one of fact alone, with which a judge or a judge and jury were perfectly competent to deal. It will be observed that by the following section the appeal which in certain cases now exists in actions with regard to new trials from the decision of the Court out of which the process issued, is made to extend to the decisions of the judge-ordinary, when sitting alone, in matters matrimonial, and that whether the application for a new trial was or was not on discretionary grounds.

2. Judge may direct any matter to be heard by the full Court. Appeal to the full Court. Provided always, that the judge-ordinary may, where he shall deem it expedient, direct that any such matter as aforesaid shall be heard and determined by the full Court, and in addition to the cases in which an appeal to the full Court now lies from the decision of the judge-ordinary, either party dissatisfied with the decision of such judge sitting alone in granting or refusing any application for a new trial which by virtue of this Act he is empowered to hear and determine may, within fourteen days after the pronouncing thereof, appeal to the full Court, whose decision shall be final.

3. Appeal to the House of Lords. Where there is a right of appeal to the House of Lords from a decision of the full Court there shall be the like right of appeal to the said house from the decision of the judge-ordinary alone, or with any other judge, under this Act.

4. Regulation of the sittings of the full Court. The sittings of the full Court shall be held during the seventh and five following days of sitting in each term, and on such other days as the judge-ordinary, with the assent of the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, shall from time to time appoint; and the judges of the Court of Queen's Bench, Common Pleas, and Exchequer shall, by a rota or otherwise, as they deem most convenient, make provision for the attendance of the requisite number of such judges to make with the judge-ordinary a full Court during such sittings; and section two of the Act of the last Session of Parliament, chapter sixty-one, shall be repealed.

(5) The provision in the Act of 1859 here repealed, was to the effect that the judge-ordinary and any eight or more of the other judges of the Divorce Court might from time to time make General Orders, appointing on many sittings of the full court in every year as might be necessary or convenient for disposing of matters not determinable by the judge-ordinary alone.

5. Court may, where one party only appears, require counsel to be appointed to argue on the other side. In every case of a petition for a dissolution of marriage it shall be lawful for the Court, if it shall see fit, to direct all necessary papers in the matter to be sent to her Majesty's Proctor, who shall, under the directions of the Attorney-General, instruct counsel to argue before the Court any question in relation to such matter, and which the Court may deem it necessary or expedient to have fully argued, and her Majesty's Proctor shall be entitled to charge and be reimbursed the costs of such proceeding as part of the expense of his office.

(6) The insertion of the concluding words of this and of the 7th clause, at the last moment by the House of Lords, very nearly occasioned the total loss of the Bill—it being considered that to authorise the Queen's Proctor in this manner to engraft on his office a new source of expense, not properly incident to it, was a breach of the privileges of the Lower House; and it was understood that Billy returned with amendments of this character, would in future be invariably rejected. It may be remarked that the marginal note appended to this section, goes considerably further than a mere review of its contents; it points out the kind of cases in which the Court in its discretion should call for the intervention of the Queen's Proctor.

6. 20 & 21 Vict. c. 85, s. 45, amended. And whereas by section forty-five of the Act of the session holden in the twentieth and twenty-first years of her Majesty, chapter eighty-five, it was enacted, that "in any case in which the court should pronounce a sentence of divorce, or judicial separation

for adultery of the wife, if it should be made appear to the Court that the wife was entitled to any property, either in possession or reversion, it should be lawful for the Court, if it should think proper, to order such settlement as it should think reasonable to be made of such property, or any part thereof, for the benefit of the innocent party and of the children of the marriage, or either of them;” be it further enacted, that any instrument executed pursuant to any order of the Court made under the said enactment before or after the passing of this Act, at the time of or after the pronouncing of a final decree of divorce or judicial separation shall be deemed valid and effectual in the law, notwithstanding the existence of the disability of coverture at the time of the execution thereof.

7. *Decrees.*] Every decree for a divorce shall in the first instance be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than three months from the pronouncing thereof, as the Court shall by general or special order from time to time direct; and during that period any person shall be at liberty, in such manner as the Court shall by general or special order in that behalf from time to time direct, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not brought before the Court; and, on cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may require; and at any time during the progress of the cause or before the decree is made absolute, any person may give information to her Majesty's proctor of any matter material to the due decision of the case, who may thereupon take such steps as the Attorney-General may deem necessary or expedient; and if from any such information or otherwise the said proctor shall suspect that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce contrary to the justice of the case, he may, under the direction of the Attorney-General, and by leave of the Court, intervene in the suit, alleging such case of collusion, and retain counsel and subpoena witnesses to prove it; and it shall be lawful for the Court to order the costs of such counsel and witnesses, and otherwise, arising from such intervention, to be paid by the parties or such of them as it shall see fit, including a wife if she have separate property; and in case the said proctor shall not thereby be fully satisfied his reasonable costs, he shall be entitled to charge and be reimbursed the difference as part of the expense of his office. (d)

(d) This provision is new, and if properly worked out appears very much calculated to restrain the unseemly haste with which some divorce cases are hurried through the Court. It is not to be expected, indeed, that the danger of collusive proceedings can be altogether avoided; but the compulsory protraction of the final result to a period of at least three months, cannot but be a useful step in that direction, while it will lead to no appreciable hardship. It will be observed that as the section is framed, it is only in case of *collusion* that the Queen's Proctor can interfere—not when the ground against the decree becoming absolute is that material facts in the case were not brought before the Court.

8. *Continuance of Act.*] This Act shall continue in force until the thirty-first day of July, one thousand eight hundred and sixty-two, and no longer.

CAP. CXLV.*

An Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills. [28th August, 1860.]

WHEREAS it is expedient that certain powers and provisions which it is now usual to insert in settlements, mortgages, wills, and other instruments should be made incident to the estates of the persons interested, so as to dispense with the necessity of inserting the same in terms in every such instrument: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

Powers of Trustees for Sale, &c., and Trustees of renewable Leaseholds.

1. *Trustees empowered to sell may sell in lots, and either by auction or private contract.*] In all cases where by any will, deed, or other instrument of settlement it is expressly declared that trustees or other persons therein named or indicated shall have a power of sale, either generally, or in any particular event, over any hereditaments named or referred to in or from time to time, subject to the uses or trusts of such will, deed, or other instrument, it shall be lawful for such trustees or other persons, whether such hereditaments be vested in them or not, to exercise such power of sale by selling such hereditaments, either together or in lots, and either by auction or private contract, and either at one time or at several times; and (in case the power shall expressly authorise an exchange) to exchange any hereditaments which for the time being shall be subject to the uses or trusts aforesaid for any other hereditaments in England or Wales or in Ireland (as the case may be), and upon such exchange to give or receive any money for equality of exchange.

2. *Sale may be made under special conditions, and trustees may buy in, &c.*] It shall be lawful for the persons making any such sale or exchange, to insert any such special or other stipulations, either as to title or evidence of title, or otherwise, in any conditions of sale, or contract for sale or exchange, as they shall think fit, and also to buy in the hereditaments or any part thereof at any sale by auction, and to rescind or vary any contract for sale or exchange, and to re-sell the hereditaments which shall be so bought in, or as to which the contract shall be so rescinded, without being responsible for any loss which may be occasioned thereby, and no purchaser under any such sale shall be bound to inquire whether the persons making the same may or may not have in contemplation any particular re-investment of the purchase money in the purchase of any other hereditaments or otherwise.

3. *Trustees exercising power of sale, &c. empowered to convey.*] For the purpose of completing any such sale or exchange as aforesaid, the persons empowered to sell or exchange as aforesaid shall have full power to convey or otherwise dispose of the hereditaments in question, either by way of revocation and appointment of the use, or otherwise, as may be necessary.

4. *Monies arising from sales, &c. to be laid out in other lands.*] The money so received upon any such sale or for equality of exchange as aforesaid shall be laid out in the manner indicated in that behalf in the will, deed, or instrument containing the power of sale or exchange, or if no such indication be therein contained as to all or any part of such money, then the same shall with all convenient speed be laid out in the purchase of other hereditaments in fee simple in possession to be situate in England or Wales or in Ireland (as the case may be), or of lands of a leasehold or copyhold or customary tenure which, in the opinion of the persons making the purchase, are convenient to be held therewith or with any other hereditaments for the time being, subject to the subsisting uses or trusts of the same will, deed, or other instrument of settlement in which the power of sale or exchange was contained; and all such hereditaments so to be purchased or taken in exchange as aforesaid shall be freeholds of inheritance shall be settled and assured to the uses, upon and for the trusts, intents, and purposes, and with, under, and subject to the powers, provisions, and declarations, to which the hereditaments sold or given in exchange were or would have been subject, or as near thereto as the deaths of parties and other intervening accidents will admit of, but not so as to increase or multiply charges; and all such hereditaments so to be purchased or taken in exchange as aforesaid shall be of leasehold or copyhold or customary tenure shall be settled and assured upon and for such trusts, intents, and purposes, and with, under, and subject to such powers, provisions, and declarations, as shall as nearly as may be correspond with and be similar to the aforesaid uses, trusts, intents, and purposes, powers, provisions, and declarations, but not so as to increase or multiply charges, and so that if any of the hereditaments so to be purchased shall be held by lease for years the same shall not vest absolutely in any tenant in tail by purchase who shall not attain the age of twenty-one years; and any such purchase as aforesaid may be made subject to any special conditions as to title or otherwise; provided that no leasehold tenement shall be purchased under the powers herein-before contained which is held for a less period than sixty years.

* A full commentary upon this Act will be found *ante*, p. 891; *et vide post*, vol. 5, p. 23.

5. *Or in payment of incumbrances.*] Provided nevertheless, that it shall be lawful for the persons exercising any such power as aforesaid, if they shall think fit, to apply any money to be received upon any sale or for equality of exchange as aforesaid; or any part thereof, in lieu of purchasing lands therewith, in or towards paying off or discharging any mortgage or other charge or incumbrance which shall or may affect all or any of the hereditaments which shall then be subject to the same uses or trusts as those to which the hereditaments sold or given in exchange were or was subject.

6. *Money arising from sales, &c., not to be laid out, nor lands exchanged, elsewhere than in the country in which lands sold or exchanged are situated.*] No money arising from any such sale or exchange of lands or hereditaments in England or Wales shall be laid out in purchase of lands or hereditaments situate elsewhere than in England or Wales, and no lands situate in England or Wales shall, under any such power as aforesaid, be exchanged for any lands or hereditaments situate elsewhere than in England or Wales; and no money arising from any such sale or exchange of lands in Ireland shall be laid out in the purchase of lands or hereditaments situate elsewhere than in Ireland, and no lands or hereditaments situate in Ireland shall, under any such power as aforesaid, be exchanged for any lands or hereditaments situate elsewhere than in Ireland.

7. *Until purchase of lands, &c., money to be invested at interest.*] Until the money to be received upon any sale or for equality of exchange as aforesaid shall be disposed of in the manner herein mentioned, the same shall be invested at interest for the benefit of the same parties who would be entitled to the hereditaments to be purchased therewith as aforesaid, and the rents and profits thereof in case such purchase and settlement as aforesaid were then actually made.

8. *Trustees of renewable leaseholds may renew.*] It shall be lawful for any trustees of any leaseholds for lives or years which are renewable from time to time, either under any covenant or contract or by custom or usual practice, if they shall in their discretion think fit, and it shall be the duty of such trustees, if thereunto required by any person having any beneficial interest, present or future or contingent, in such leaseholds, to use their best endeavours to obtain from time to time a renewed lease of the same hereditaments on the accustomed and reasonable terms, and for that purpose it shall be lawful for any such trustees from time to time to make or concur in making such surrender of the lease for the time being subsisting, and to do all such other acts as shall be requisite in that behalf; but this section is not to apply to any case where by the terms of the settlement or will the person in possession for his life or other limited interest is entitled to enjoy the same without any obligation to renew the lease or to contribute to the expense of renewing the same.

9. *Money for equality of exchange and for renewal of leases may be raised by mortgage, &c.*] In case any money shall be required for the purpose of paying for equality of exchange as aforesaid, or for renewal of any lease as aforesaid, it shall be lawful for the persons effecting such exchange or renewal to pay the same out of any money which may then be in their hands in trust for the persons beneficially interested in the lands to be taken in exchange, or comprised in the renewed lease, whether arising by any of the ways and means hereinbefore mentioned or otherwise, and notwithstanding the provisions for the application of money arising from sales or exchanges hereinbefore contained; and if they shall not have in their hands as aforesaid sufficient money for the purposes aforesaid, it shall be lawful for such persons to raise the money required by mortgage of the hereditaments to be received in exchange or contained in the renewed lease (as the case may be), or of any other hereditaments for the time being subject to the subsisting uses or trusts to which the hereditaments taken in exchange or comprised in the renewed lease (as the case may be) shall be subject, and for the purpose of effecting such mortgage such persons shall have the same powers of conveying or otherwise as are herein contained with reference to a conveyance on sale; and no mortgagee advancing money upon such mortgage purporting to be made under this power shall be bound to see that such money is wanted, or that no more is raised than is wanted for the purposes aforesaid.

10. *No sales, &c., to be made without consent of tenant for life, &c.*] No such sale or exchange as aforesaid, and no purchase of hereditaments out of money received on any such sale or

exchange as aforesaid, shall be made without the consent of the person appointed to consent by the will, deed or other instrument, or if no such person be appointed, then of the person entitled in possession to the receipt of the rents and profits of such hereditaments, if there be such a person under no disability; but this clause shall not be taken to require the consent of any person where it appears from the will, deed, or other instrument to have been intended that such sale, exchange, or purchase should be made by the person or persons making the same without the consent of any other person.

PART II.

Powers of Mortgagees.

11. *Powers incident to mortgages.*] Where any principal money is secured or charged by deed on any hereditaments of any tenure, or on any interest therein, the person to whom such money shall for the time being be payable, his executors, administrators, and assigns, shall, at any time after the expiration of one year from the time when such principal money shall have become payable, according to the terms of the deed, or after any interest on such principal money shall have been in arrear for six months, or after any omission to pay any premium on any insurance which by the terms of the deed ought to be paid by the person entitled to the property subject to the charge, have the following powers, to the same extent (but no more) as if they had been in terms conferred by the person creating the charge, namely,

- 1st. A power to sell or concur with any other person in selling the whole or any part of the property by public or private contract, subject to any reasonable conditions he may think fit to make, and to rescind or vary contracts for sale, or buy in and re-sell the property from time to time, in like manner;
- 2d. A power to insure and keep insured from loss or damage by fire the whole or any part of the property (whether affixed to the freehold or not) which is in its nature insurable, and to add the premiums paid for any such insurance to the principal money secured at the same rate of interest;
- 3d. A power to appoint or obtain the appointment of a receiver of the rents and profits of the whole or any part of the property in manner hereinafter mentioned.

12. *Receipts for purchase money sufficient discharges.*] Receipts for purchase money given by the person or persons exercising the power of sale hereby conferred shall be sufficient discharges to the purchasers, who shall not be bound to see to the application of such purchase money.

13. *Notice to be given before sale; but purchaser relieved from inquiry as to circumstances of sale.*] No such sale as aforesaid shall be made until after six months' notice in writing given to the person or one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of such property; but when a sale has been effected in professed exercise of the powers hereby conferred, the title of the purchaser shall not be liable to be impeached on the ground that no case had arisen to authorise the exercise of such power, or that no such notice as aforesaid had been given; but any person damaged by any such unauthorised exercise of such power shall have his remedy in damages against the persons selling.

14. *Application of purchase money.*] The money arising by any sale effected as aforesaid shall be applied by the person receiving the same as follows; first, in payment of all the expenses incident to the sale or incurred in any attempted sale; secondly, in discharge of all interest and costs then due in respect of the charge in consequence whereof the sale was made; and, thirdly, in discharge of all the principal monies then due in respect of such charge; and the residue of such money shall be paid to the person entitled to the property subject to the charge, his heirs, executors, administrators, or assigns, as the case may be.

15. *Conveyance to the purchaser.*] The person exercising the power of sale hereby conferred shall have power by deed to convey or assign to and vest in the purchaser the property sold, for all the estate and interest therein, which the person who created the charge had power to dispose of, except that in the case of copyhold hereditaments the beneficial interest only shall be conveyed to and vested in the purchaser by such deed.

16. *Owner of charge may call for title deeds and conveyance of legal estate.*] At any time after the power of sale hereby conferred shall have become exercisable, the person entitled to

exercise the same shall be entitled to demand and recover, from the person entitled to the property subject to the charge, all the deeds and documents in his possession or power relating to the same property, or to the title thereto, which he would have been entitled to demand and recover if the same property had been conveyed, appointed, surrendered, or assigned to and were then vested in him for all the estate and interest which the person creating the charge had power to dispose of, and where the legal estate shall be outstanding in a trustee the person entitled to a charge created by a person equitably entitled, or any purchaser from such person, shall be entitled to call for a conveyance of the legal estate to the same extent as the person creating the charge could have called for such a conveyance if the charge had not been made.

17. *Appointment of receiver.*] Any person entitled to appoint or obtain the appointment of a receiver as aforesaid may from time to time, if any person or persons has or have been named in the deed of charge for that purpose, appoint such person or any one of such persons to be receiver, or if no person be so named, then may, by writing delivered to the person or any one of the persons entitled to the property subject to the charge, or affixed on some conspicuous part of the property, require such last-mentioned person or persons to appoint a fit and proper person as receiver, and if no such appointment be made within ten days after such requisition, they may in writing appoint any person he may think fit.

18. *Receiver deemed to be the agent of the mortgagor.*] Every receiver appointed as aforesaid shall be deemed to be the agent of the person entitled to the property subject to the charge, who shall be solely responsible for his acts or defaults, unless otherwise provided for in the charge.

19. *Powers of receiver.*] Every receiver appointed as aforesaid shall have power to demand and recover and give effectual receipts for all the rents, issues, and profits of the property of which he is appointed receiver by action, suit, distress, or otherwise, in the name either of the person entitled to the property subject to the charge, or of the person entitled to the money secured by the charge, to the full extent of the estate or interest which the person who created the charge had power to dispose of.

20. *Receiver may be removed.*] Every receiver appointed as aforesaid may be removed by the like authority or on the like requisition as before provided with respect to the original appointment of a receiver, and new receivers may be appointed from time to time.

21. *Receiver to receive a commission not exceeding five per cent.*] Every receiver appointed as aforesaid shall be entitled to retain out of any money received by him, in lieu of all costs, charges, and expenses whatsoever, such a commission, not exceeding five per centum on the gross amount of all money received, as shall be specified in his appointment, and if no amount shall be so specified, then five per centum on such gross amount.

22. *Receiver to insure, if required.*] Every receiver appointed as aforesaid shall, if so directed in writing by the person entitled to the money secured by the charge, insure and keep insured from loss or damage by fire, out of the money received by him, the whole or any part of the property included in the charge (whether affixed to the freehold or not) which is in its nature insurable.

23. *Application of monies received by him.*] Every receiver appointed as aforesaid shall pay and apply all the money received by him in the first place in discharge of all taxes, rates, and assessments whatsoever, and in payment of his commission as aforesaid, and of the premiums on the insurances, if any, and in the next place in payment of all the interest accruing due in respect of any principal money then charged on the property over which he is receiver, or on any part thereof, and, subject as aforesaid, shall pay all the residue of such money to the person for the time being entitled to the property subject to the charge, his executors, administrators, or assigns.

24. *This part to relate to charges by mortgage.*] The powers and provisions contained in this part of this Act relate only to mortgages or charges made to secure money advanced or to be advanced by way of loan, or to secure an existing or future debt.

PART III.

Provisions as to investment of trust funds, appointment and powers of trustees and executors, &c.

25. *On what securities trust funds may be invested.*] Trustees

having trust money in their hands which it is their duty to invest at interest shall be at liberty, at their discretion, to invest the same in any Parliamentary stocks or public funds, or in Government securities, and such trustees shall also be at liberty, at their discretion, to call in any trust funds invested in any other securities than as aforesaid, and to invest the same on any such securities as aforesaid, and also from time to time, at their discretion, to vary any such investments as aforesaid for others of the same nature: provided always, that no such original investment as aforesaid (except in the Three per Cent. Consolidated Bank Annuities), and no such change of investment as aforesaid, shall be made where there is a person under no disability entitled in possession to receive the income of the trust fund for his life, or for a term of years determinable with his life, or for any greater estate, without the consent in writing of such person.

26. *Trustees may apply income of property of infants, &c. for their maintenance.*] In all cases where any property is held by trustees in trust for an infant, either absolutely, or contingently on his attaining the age of twenty-one years, or on the occurrence of any event previously to his attaining that age, it shall be lawful for such trustees, at their sole discretion, to pay to the guardians (if any) of such infant, or otherwise to apply for or towards the maintenance or education of such infant, the whole or any part of the income to which such infant may be entitled in respect of such property, whether there be any other fund applicable to the same purpose, or any other person bound by law to provide for such maintenance or education, or not; and such trustees shall accumulate all the residue of such income by way of compound interest, by investing the same and the resulting income thereof from time to time in proper securities, for the benefit of the person who shall ultimately become entitled to the property from which such accumulations shall have arisen: provided always, that it shall be lawful for such trustees at any time, if it shall appear to them expedient, to apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

27. *Provisions for appointment of new trustees, on death, &c.*] Whenever any trustee, either original or substituted, and whether appointed by the Court of Chancery or otherwise, shall die, or desire to be discharged from or refuse or become unfit or incapable to act in the trusts and powers in him reposed, before the same shall have been fully discharged and performed, it shall be lawful for the person or persons nominated for that purpose by the deed, will, or other instrument creating the trust (if any), or if there be no such person, or no such person able and willing to act, then for the surviving or continuing trustees or trustee for the time being, or the acting executors or executor or administrators or administrator of the last surviving and continuing trustee, or for the last retiring trustee, by writing, to appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid; and so often as any new trustee or trustees shall be so appointed as aforesaid all the trust property (if any) which for the time being shall be vested in the surviving or continuing trustees or trustee, or in the heirs, executors, or administrators of any trustee, shall with all convenient speed be conveyed, assigned, and transferred so that the same may be legally and effectually vested in such new trustee or trustees, either solely, or jointly with the surviving or continuing trustees or trustee, as the case may require; and every new trustee or trustees to be appointed as aforesaid, as well before as after such conveyance or assignment as aforesaid, and also every trustee appointed by the Court of Chancery either before or after the passing of this Act, shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the deed, will, or other instrument creating the trust.

28. *Appointment of new trustees in cases herein named.*] The power of appointing new trustees herein-before contained may be exercised in cases where a trustee nominated in a will has died in the lifetime of the testator.

29. *Trustees' receipts to be discharges.*] The receipts in writing of any trustees or trustee, for any money payable to them or him by reason or in the exercise of any trusts or powers reposed or vested in them or him shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the persons paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

30. *Executors may compound.* And it shall be lawful for any executor to pay any debts or claims upon any evidence that may be sufficient to accept any composition or to secure the debt or personal property of the deceased and to allow any time for payment of any such debts as they shall think fit, and also to compromise, compound or submit to arbitration all debts, accounts, claims, and things whatsoever relating to the estate of the deceased, and for any of the purposes aforesaid to make any agreement, and to execute such agreement, by means of composition, release, and other things as they shall think expedient, without being responsible for any loss to be occasioned thereby.

31. *Termers for life or for any shorter period.* Notwithstanding any incumbrances. For the purposes of this Act, a person shall be deemed to be entitled to the possession, or to the receipt of the rents and income of land, or personal property, although his estate may be charged, or incumbered, either by himself or by any former owner, or otherwise, however to any extent, but the estates or interests of the parties entitled to any such charges or incumbrances shall not be affected by the acts of the person entitled to the possession, or to the receipt of the rents and income aforesaid, unless they shall occur after the death of the person so entitled.

32. *Powers hereby given may be regulated by the provisions of the Act.* None of the powers or incidents hereby conferred or annexed to particular offices, estates, or circumstances shall take effect or be exercisable if it is declared in the deed, will, or other instrument creating such offices, estates, or circumstances that they shall not take effect, and where there is any such declaration, then if any variations or limitations of any of the powers or incidents hereby conferred or annexed are contained in such deed, will, or other instrument, such powers or incidents shall be exercisable or shall take effect only subject to such variations or limitations.

33. *No persons other than those entitled under the collection, &c. to be affected.* Nothing in this Act contained shall be deemed to empower any trustees or other persons to deal with or affect the estates or rights of any persons severally, except to the extent to which they might have dealt with or affected the estates or rights of such persons if the deed, will, or other instrument under which such trustees or other persons are empowered to act had contained express powers for such trustees or other persons so to deal with or affect such estates or rights.

34. *Commencement of Act.* The provisions contained in this Act shall, except as herein before otherwise provided, extend only to persons entitled or acting under a deed, will, codicil, or other instrument executed after the passing of this Act, or under a will or codicil confirmed or revived by a codicil executed after that date.

35. *Act shall not extend to Scotland.*

36. *Calculation of time specified in sealed lists.* Notwithstanding anything to the contrary in this Act, nothing is required to be done within a specified time after the passing of the same, such time shall be calculated as if the thirtieth day of October, one thousand eight hundred and sixty had been the date of the passing of the said Act, provided always that, notwithstanding anything in the said Act contained, the said Act shall not come into operation in any County of England until the magistrates of such County in quarter sessions, or in any County of Scotland until the commissioners of supply of such County, or in any County of Ireland, until the Grand Jury of

such County shall have resolved to bring such County under the operation of the Act.

37. *Construction of Acts, and recovery of penalties.* This Act and the recited Act shall be construed together as one Act, and all penalties and forfeitures incurred under the provisions of either Act shall be sued for and recoverable in all courts, ridings, or divisions in England and Ireland before two or more justices of the peace at petty sessions or before the mayor or other chief magistrate of any city, borough, town, or place, or placed before a court of sessions or before the mayor or other chief magistrate of any city, borough, town, or place, or placed before a court of sessions or before the mayor or other chief magistrate of any city, borough, town, or place, or placed before a court of sessions or before the mayor or other chief magistrate of any city, borough, town, or place.

38. *Act to amend the Seventh and Eighth Victoria, Chapter Seventy.*

39. *For removing doubts which have arisen upon the Act of the seventh and eighth years of her Majesty, chapter seventy, be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:*

40. *Provisions of the 7th & 8th Victoria, to extend to debtors in custody.* Any debtor actually in custody may petition, and his petition shall be proceeded in, according to the provisions of the said Act, and all those provisions touching the consent of creditors, the meetings of creditors, and the authority of the commissioners, shall be applied to the case of such debtor petitioner which have heretofore been applied to the petition of debtors not in actual custody.

41. *Construction of terms in this and recited Acts.* This Act and the said Act shall be construed together as one Act, and in section six of the said Act, after the words "shall endorse on such certificate his protection of such petitioning debtor from arrest," the words "or his discharge from custody" shall be added; and in section seven, after the words "a temporary and limited protection from arrest," the words "or discharge from custody" shall be added, so that in every case of a petition by a debtor in custody by virtue of this Act, the commissioner may be empowered to discharge the petitioner from custody wherever such petitioner, if not in custody, would have been entitled by virtue of the said Act to obtain protection from arrest.

42. *Act to continue the Powers of the Poor Law Commissioners in Ireland.*

43. *Act to make better Provision for the Relief of Prisoners in contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court.*

44. *Act to amend the Act for regulating Measures used in Sales of Gas.*

45. *Act to amend the Act for regulating Measures used in Sales of Gas.*

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confined there for contempt, and should report his opinion on their respective cases to the Court, and thereupon it should be lawful for the Court to make such order as therein mentioned: and whereas by an Act passed in the session of Parliament holden in the fifth and sixth years of the reign of her Majesty, chapter twenty-two, intituled "An Act for consolidating the Queen's Bench, Fleet, and Marshalsea prisons, and for regulating the Queen's Prison," it was enacted, amongst other things, that the prison to be called the Queen's Prison, should be the only prison for all persons who before the passing of that Act might lawfully have been imprisoned in the Fleet Prison and other prisons therein named. And whereas by an Act passed in the session of Parliament holden in the fifteenth and sixteenth years of the reign of her Majesty, chapter eighty, intituled "An Act to abolish the office of Master in Ordinary of the Court of Chancery, and to make provision for the speedy and efficient despatch of business in the said Court, the office of master in ordinary of the High Court of Chancery was abolished, but reserving and subject to the execution by the then masters in ordinary of the said court of the duties therein-after provided for, and until they were released under the same Act they were for the performance of such duties to continue to have all the powers conferred upon them by any Act of Parliament or otherwise vested in them; and it was enacted that on the first day of Michaelmas term one thousand eight hundred and fifty-two, two of the said masters should be released, and that as often as in the judgment of the Lord Chancellor any other master or masters could be spared it should be lawful for the Lord Chancellor to release any such master or masters, and that when the Lord Chancellor should be of opinion that the services of none of the masters were any longer necessary for the due execution of the business of the said Court it should be lawful for him to release every remaining master: and whereas since the passing of the last-mentioned Act one of the masters in ordinary of the said Court has died, and all the others have been released except three, two of whom are quite incapable from ill-health of performing the duties of their office, and the other of whom is of advanced age and very infirm, and has held the office of master in the Court of Exchequer and the Court of Chancery for the period of thirty-nine years and upwards: and whereas it has been considered desirable for the better discharge of the business of the said Court that the causes and matters now remaining in the offices of the said masters should be transferred to the judges' chambers, and accordingly the Lord Chancellor, with the advice and assistance of all the judges of the Court, has, by order bearing date the twenty-third day of August one thousand eight hundred and sixty, ordered and directed that all causes, matters, and things now depending before the masters shall be proceeded with and prosecuted before the respective judges of the Court: and whereas the only duty now remaining to be performed by the masters is that of visiting the prison as required by the first-recited Act, and it is expedient that they should be relieved from such duty, and that some other provision should be made for the performance thereof: and whereas it is also expedient that some further provision should be made for the relief of prisoners in custody for contempt of the said Court: and whereas since the date of the first hereinbefore recited Act various alterations have been made in the practice and procedure of the said court, by reason whereof several of the rules and regulations contained in the same Act may require to be varied, and it is expedient that the Lord Chancellor should have power to make such general orders as may from time to time be necessary in that behalf: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same as follows:

1. *Masters discharged from certain duties.*] The masters in ordinary of the High Court of Chancery shall be and they are hereby discharged from the several duties imposed on them by the said first-recited Act.

2. *The Queen's Prison to be visited quarterly.*] In the last week in January, in the last week in April, in the last week in July, and in the last week in October, in every year, the present solicitor to the suitors' fund, or in case of his illness or unavoidable absence, some officer of the Court of Chancery to be appointed by the Lord Chancellor from time to time during such illness or absence, and after the death or retirement of the present solicitor to the suitors' fund, the solicitor to the suitors' fund for the time being, or some other officer of the Court of Chancery to be appointed by the Lord Chancellor from time to time, shall visit the Queen's Prison, and examine the prisoners confined there

for contempt, and shall report his opinion on their respective cases to the Lord Chancellor, and thereupon it shall be lawful for the Lord Chancellor, if he shall think fit, to assign a solicitor to any such prisoner, not only for defending him *in forma pauperis*, but generally for taking such steps on his behalf as the nature of the case may require, and to make all or any such orders as the Lord Chancellor was empowered to make after the like report of a master under the seventh rule of the said first herein-before recited Act, and all the provisions of the same rule shall apply to the reports hereby directed, and the orders to be made thereunder.

3. *Prisoners and other persons may be examined on oath.*] It shall be lawful for the solicitor to the suitors' fund or other officer visiting the prison as aforesaid to examine the prisoners and all other persons whom he may think it proper to examine upon oath, and to administer an oath or oaths to any such prisoner and other persons accordingly, and to cause any officers, clerks, and ministers of any court of law or equity to bring and produce upon oath before him any records, orders, books, papers, or other writings belonging to the said courts, or to any of the officers within the same, as such officers.

4. *Court may direct reference as to poverty of prisoners.*] In all cases where, in pursuance of the said sixth rule contained in the first herein-before recited Act, a defendant shall be brought to the bar of the Court, and shall make oath that he is unable by reason of poverty to employ a solicitor to put in his answer, the Court, if not satisfied of the truth of that allegation, may direct an inquiry as to the truth thereof, and may appoint a solicitor to conduct such inquiry on the behalf of such defendant, and if it is ascertained by means of such inquiry, or if the Court is satisfied without such inquiry, that such defendant is unable by reason of poverty to employ a solicitor to put in his answer, the Court may thereupon make such order as is authorized by the said sixth rule, after a report by a master.

5. *Gaolers to make reports to Lord Chancellor of all chancery prisoners.*] When any person shall be committed to any prison other than the Queen's Prison, under any writ or order of the Court of Chancery, the gaoler or keeper of the prison in which such person shall be confined shall, within fourteen days after such person shall have been in the custody of such gaoler or keeper, make a report to the Lord Chancellor, containing the name and description of such prisoner, with the cause and date of his commitment, and a copy of the writ or order under which he was committed; and if such prisoner shall make oath before one of the visiting justices of such gaol, or a commissioner for taking oaths in the Court of Chancery, that he is unable by reason of poverty to employ a solicitor, the report shall contain a statement to that effect, and it shall thereupon be lawful for the Lord Chancellor to direct the solicitor to the suitors' fund to ascertain the truth of such statement, and if true, to take such steps on behalf of any such prisoner as the nature of the case may require; and the Lord Chancellor may thereupon, if he shall see fit, make such order or orders as he is empowered to make under the second section of this Act.

6. *Expenses incurred for prisoners and pauper defendants to be paid out of suitors' fund.*] The solicitor to the suitors' fund shall make the necessary and proper payments out of pocket which may be requisite in the proceedings taken on behalf of the prisoners and defendants under the order of the said Court, and shall be allowed the same as part of his disbursements in respect of the suitors' fund: provided that if any such prisoner or defendant shall be or become entitled to any funds in the cause, such funds shall be applied in the repayment to the suitors' fund of the sums expended on his behalf as aforesaid: provided also, that in case any prisoner or defendant shall become entitled to any costs in any such suit or proceeding, such costs shall be received by the solicitor to the suitors' fund, and paid by him into the suitors' fund.

7. *Additional salary to solicitor to suitors' fund.*] In consequence of the additional duties under the authority of this Act imposed on the solicitor to the suitors' fund, there shall be paid to him such additional yearly salary as the Lord Chancellor shall from time to time direct, not exceeding the net yearly salary of three hundred pounds, such additional salary to be payable out of the same funds and in the same manner as his present salary is payable.

8. *Power to make general orders.*] It shall be lawful for the Lord Chancellor, with the advice and assistance of the Master

of the Rolls, the lords justices of the Court of Appeal in Chancery, and vice-chancellors, or any three of them, from time to time to make such general rules and orders for regulating the mode of procedure regarding commitment by the Court of Chancery for contempt and taking bills *pro confesso*, and for doing and effectuating any acts or proceedings which may hereafter be required to be done by or under the direction or through the intervention of any of the masters of the said Court, the doing and effectuating of which has not been already provided for, and generally for carrying the purposes of this Act into effect, as may be found expedient.

12. Chief clerks under the care of late masters.] The deeds, books, documents, and papers belonging to the masters in the said court which have been heretofore under the custody of the said masters in ordinary shall be transferred to the custody of the clerks of records and writs of the said court, and William Worden, the present office keeper at the offices in Southampton-buildings, Chancery-lane, where such deeds, books, documents, and papers are deposited, shall have the care of the same, and shall, so far as relates thereto, be considered the officer of the clerks of records and writs, and shall hold such office at the pleasure of the Master of the Rolls; and the said William Worden shall receive in respect of the duties imposed upon him by this Act such additional yearly salary as the Lord Chancellor shall from time to time direct, not exceeding the net yearly salary of eighty pounds in addition to his present emoluments as such office-keeper, such additional salary to be payable on the third day of February, the third day of May, the third day of August, and the third day of November in every year, out of the fund standing in the name of the Assisant General of the Court of Chancery, intitled "the stipend for fund account," and on the death, retirement, or removal of the said William Worden it shall be lawful for the Master of the Rolls to appoint a person to have the care of such deeds, books, documents, and papers at a yearly salary not exceeding one hundred pounds, to be payable out of the fund and at the times last aforesaid, and on any vacancy in such office to supply such vacancy.

13. Appointment of additional chief clerk to the Master of the Rolls.] And whereas, in consequence of the amount of business transacted in the chambers of the Master of the Rolls, it has been found expedient for three years last past to obtain the assistance of Mr. John Arthur Buckley, late chief clerk in the office of one of the masters in ordinary; and whereas, having regard to the business transferred to the office of the Master of the Rolls by reason of the final discharge of the masters, it is expedient that such assistance should be continued, be it therefore enacted, that Mr. John Arthur Buckley shall be continued as an additional clerk in the office of the Master of the Rolls, with the salary he now receives, during such time as the Lord Chancellor shall think fit; and it shall be lawful for the Lord Chancellor to transfer the said Mr. Buckley as an additional clerk to the office of any one of the Vice-Chancellors during such time as he shall think fit; provided that if the Lord Chancellor shall be of opinion at any time that the state of business no longer requires the services of Mr. Buckley, and he shall be discharged, he the said Mr. Buckley shall not be entitled to any compensation; provided always, that in case a new judge shall be appointed in the Court of Chancery, the said Mr. Buckley shall be transferred to and be one of the clerks of such new judge.

14. The junior clerk to the late Master Blunt empowered to seek compensation.] And whereas, under the said Act for abolishing the office of the said masters in ordinary, any person who on the first day of Hilary Term, one thousand eight hundred and fifty-two held the office of junior clerk to any master in ordinary who should be released under the authority of such Act, was empowered to make a claim for compensation to the commissioners of her Majesty's Treasury, at any time after the master in whose office he should have been employed should have been released; and whereas at the time when such Act was passed John Elijah Blunt, Esquire, was one of the said masters in ordinary, and Edward King held the office of his junior clerk; and whereas the said John Elijah Blunt died in the year one thousand eight hundred and fifty-six, without having been released under the authority of such Act, by reason whereof the said Edward King is not entitled to make any claim for compensation, as he would have been in case the said John Elijah Blunt had not died, but had been released as aforesaid;

be it therefore enacted, that it shall be lawful for the said Edward King to make his claim for compensation to the commissioners of her Majesty's Treasury, who are hereby empowered to receive and deal with the same in the same manner, in all respects as if the said John Elijah Blunt had been released under the authority of the said last-mentioned Act.

15. Chief clerks (appointed since 2d Nov. 1855) salary.] As regards the chief clerks of all the judges of the said Court appointed since the second day of November one thousand eight hundred and fifty-five, and those to be hereafter appointed, it shall be lawful for the Lord Chancellor, if he shall so think fit, upon the certificate mentioned in the forty-fourth section of the said Act of the fifteenth and sixteenth years of her Majesty, chapter eighty, to order and direct their salaries respectively to be increased to the full amount authorised by such Act at any one period.

16. By whom orders under this Act are to be made.] Where the Lord Chancellor is empowered by this Act to make orders or to give directions with respect to prisoners in contempt and pauper defendants, such orders and directions are to be made or given by the Lord Chancellor, lord keeper or lord commissioners for the custody of the great seal of the United Kingdom, or the Lords Justices of the Court of Appeal in Chancery only; and where the Court of Chancery is empowered by this Act to make such orders or to give such directions, they may be made or given by any judge of the said Court.

17. Increased salary may be paid to two junior clerks to each chief clerk.] Instead of the salaries directed to be paid by the said Act for abolishing the office of the said masters in ordinary, and by the Act of the eighteenth and nineteenth years of the reign of her Majesty, chapter one hundred and thirty-four, to the two junior clerks thereby respectively authorized to be appointed to each chief clerk, it shall be lawful for the Lord Chancellor, if he shall think fit, to order and direct that every such junior clerk shall receive a salary of four hundred pounds per annum.

OBSERVATIONS ON THE ABOVE ACT.

The above statute contains some important provisions amongst others which are of inferior interest. But, the only sections which call for special remark are those (ss. 2-6) which provide for the relief of prisoners in custody for contempt of the Court of Chancery. Under the previous enactments on this subject, the course was that, once in every quarter, a Master of the Court of Chancery visited the Queen's Prison, and after examining the prisoners confined there for Chancery contempt, made his report to the Court on their respective cases, on which report such order was made as was thought proper by the Court; as for defending him in *forma pauperis*, or a not unusual report was, that the prisoner was unable to purge himself from the contempt, by reason of being too poor to employ a solicitor to put in his answer. It will be seen that under the present provisions, the visitation of the prison is to be quarterly as before; but (the Masters in Chancery being discarded) the duty is henceforth to be performed by the solicitor to the suitors' fund, for the time being; and the relief (which is to be paid for out of the suitors' fund) is not to be confined to defending him, but may be generally for taking such steps on his behalf as the nature of the case may require.

Similar provisions are made (sect. 5) with regard to a pauper prisoner for contempt confined in any other prison than the Queen's prison. The statement as to his inability by reason of poverty to employ a solicitor, being in the case made, on oath by the prisoner before one of the visiting justices of the gaol, or before a Chancery commissioner for taking oaths, may vary. An Act further to amend certain Acts relating to the Temporalities of the Church in Ireland.

CAP. CL.

28th August, 1860.

LOCAL AND PERSONAL ACTS.

DECLARED PUBLIC, AND TO BE JUDICIALLY NOTICED.

23 & 24 VICTORIA.

- i. An Act to enable the West Middlesex Waterworks Co. to raise a further sum of money; and for other purposes.
- ii. An Act for enabling the Blackburn Gaslight Co. to raise a further sum of money; and for other purposes.
- iii. An Act to repeal, alter, amend, and extend some of the powers and provisions of "The Silverdale and Newcastle Railway Act, 1859;" to authorize the stopping up, altering, and constructing of certain roads; and for other purposes.
- iv. An Act for supplying with gas the township of Droylsden and other places adjacent thereto in the parishes of Manchester and Ashton-under-Lyne.
- v. An Act for more effectually supplying with gas the borough of Leicester and the neighbourhood thereof.
- vi. An Act to enable the Banbridge, Lisburn, and Belfast Railway Co. to make deviations in their authorised railways; and to enable the Ulster Railway Co. to acquire and hold shares in the undertaking of the Banbridge, Lisburn, and Belfast Railway Co.; and for other purposes.
- vii. An Act for better supplying with water the township of Belper.
- viii. An Act for more effectually repairing the road leading from Wem to the Lime Rocks at Bronygarth, Salop, and for making several lines of road connected with the same.
- ix. An Act to amend "The Inverness and Aberdeen Junction Railway Act, 1856;" to enable the Inverness and Aberdeen Junction Railway Co. to raise further sums of money; and for other purposes.
- x. An Act to enable the South Devon Railway Co. to improve their Plymouth and other stations; to widen parts of their railway; and for other purposes.
- xi. An Act to authorise the construction of a railway from Chippenham to Calne.
- xii. An Act to empower the mayor, aldermen, and burgesses of the borough of Liverpool to construct an additional reservoir and other works; and for other purposes.
- xiii. An Act for better supplying with water the borough and parish of Liskeard, and for other purposes.
- xiv. An Act to enable the North London Railway Co. to raise an additional sum of money; and for other purposes.
- xv. An Act for incorporating a company for the construction of a railway from the Newton and Compstall line of the Manchester, Sheffield, and Lincolnshire Railway at Marple, Chester, to New Mills and Hayfield, Derbyshire; and for other purposes.
- xvi. An Act for authorising the construction of a railway from Stockport to Woodley; and for other purposes.
- xvii. An Act to enable the Brecon and Merthyr Tydfil Junction Railway Co. to complete their communication with Brecon; and for other purposes connected with their undertaking.
- xviii. An Act for incorporating the Mirfield Gaslight Co. (Limited), and extending their powers, and for other purposes.
- xix. An Act for building a bridge across the river Ouse in the city of York, with approaches thereto, and for raising, lowering, widening, altering, and improving certain streets or thoroughfares within the said city, and for other purposes.
- xx. An Act for consolidating and amending the Acts relating to the Liskeard and Caradon Railway Co., for authorising the alteration of portions of their existing railway, and the construction of new works; and for other purposes.
- xxi. An Act to repeal the Act for amending and improving the road from Glossop to Marple Bridge, Derbyshire, and the several branches of roads leading to and from the same, and to make other provisions in lieu thereof.
- xxii. An Act for enabling the mayor, aldermen, and burgesses of the borough of Leicester to provide an additional cemetery with approaches thereto, and to effect certain arrangements with the visitors of the Leicestershire and Rutland Lunatic Asylum; for amending the Acts relating to the cemetery, sewerage, and waterworks in the said borough; and for other purposes.
- xxiii. An Act for more effectually repairing the road from Chesterfield to Worksop.
- xxiv. An Act to enable the Baginbown and Wexford Railway Co. to make railways to Enniscoorthy and to a certain limestone quarry at Ballyvella, and an approach road to roads to their station at Wexford; and to enable the Great Southern and Western Railway Co. to subscribe further sums towards the undertaking of the company; and to enable the company and the grand jury of the county of Wexford and the trustees of Wexford Free Bridge to make arrangements in reference to the said road or roads; and for other purposes.
- xxv. An Act to enable the Shrewsbury and Welshpool Railway Co. to complete and maintain deviations in the line and levels of their railway; and to complete and maintain the same across certain roads on a level; and to raise a further sum of money; and for other purposes.
- xxvi. An Act to continue and amend an Act for erecting a bridge over the river Dee at the Craighig in the parish of Old Machar in the county of Aberdeen and of Nigg in the county of Kincardine, and for making a road from Cullen-robin by the said bridge toward the city of Aberdeen.
- xxvii. An Act for granting further powers to the Croydon Commercial Gas and Coke Co.
- xxviii. An Act for draining and improving Grunty Ten in the Isle of Ely and for maintaining the public roads therein.
- xxix. An Act for more effectually carrying out the clearing house system in Ireland, and for facilitating legal proceedings in relation thereto.
- xxx. An Act for the better supply of Spalding with water.
- xxxi. An Act for the regulation of the municipal corporation of the borough of Hedon, York, and for the improvement of the borough; and for other purposes.
- xxxii. An Act for the further continuance of the Lower King's Ferry roads turnpike trust, and for other purposes.
- xxxiii. An Act to authorise the commissioners of the Glasgow Corporation Waterworks to raise a further sum of money.
- xxxiv. An Act for authorising the corporation of Norwich to enlarge the existing cattle market and other markets, and to establish and regulate markets and fairs, and make new streets; and for other purposes.
- xxxv. An Act for making a railway from the Cannock Mineral railway into Cannock Chase.
- xxxvi. An Act for changing the name of "the Abergate, Nottingham, and Boston and Eastern Junction Railway and Canal Co." to the name "the Nottingham and Grantham Railway and Canal Co.," and for reducing and regulating their capital and borrowing powers; and for other purposes.
- xxxvii. An Act to enable the Edinburgh Railway Station Access Co. to raise additional capital.
- xxxviii. An Act to incorporate the Brompton and Gillingham Consumers Waterworks Co., limited, to enable them to better supply Brompton, Gillingham, Chatham, and Rochester with water; and for other purposes.
- xxxix. An Act for granting further powers to the Commercial Dock Co.
- xl. An Act for making a railway from Stranorlar, in the county of Donegal to the Londonderry and Enniskillen Railway near Strabane in the county of Tyrone, and for other purposes.
- xli. An Act to provide for the management, maintenance, and repair of the turnpike road from Lincoln Heath to Market

- Deeping, and other roads in connection therewith; and for other purposes.
- xl. An Act for relinquishing certain works authorised by the North Staffordshire Railway Branches Act, 1854; and for authorising agreements with respect to the Silverdale and Newcastle Railway, and for other purposes.
- xli. An Act for amending the Acts passed with respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, Yorkshire.
- xlii. An Act for authorising the Stockton and Darlington Railway Co. to raise additional capital; and for other purposes.
- xliii. An Act to enable the Great Northern and Western (of Ireland) Railway Co. to make a deviation in their authorised railway between Roscommon and Castlereagh; and for other purposes.
- xliiii. An Act for altering the name of "The Belfast and Balymena Railway Co." to the name of "The Belfast and Northern Counties Railway Co.;" for increasing their capital; and for other purposes.
- xlv. An Act to enable the Dublin and Wicklow Railway Co. to extend their railway to Enniscorthy in the county of Wexford; to change the name of the company; and for other purposes.
- xlv. An Act for enabling the mayor, aldermen, and citizens of Manchester to effect further improvements; and for other purposes.
- xlv. An Act to amend "The Great Southern of India Railway Act, 1858;" and for other purposes.
- i. An Act to authorise certain deviations in the Andover and Redbridge railway, and for other purposes.
- ii. An Act for granting further powers to the West Somerset Railway Co.
- iii. An Act to enable the Midland Railway Co. to contract for the use of the undertakings of other companies in and near London.
- liii. An Act for regulating the East India Coal Co., Limited, and for making provisions with regard to the capital and shares of the company; and for other purposes.
- liv. An Act for making a railway from Carrickfergus to Larne, and for other purposes.
- lv. An Act for better supplying with water the parish of Mallock.
- lvi. An Act to enable the Limerick and Ennis Railway Company to maintain their railway across certain roads on a level; and to enable the company to purchase certain lands for the purposes of their undertaking; and to amend the provisions of the Acts relating to the said company with respect to general meetings; and for other purposes.
- lvii. An Act to repeal the Act 10 Geo. 4, c. 114, relating to the turnpike roads from Hurdlow House, Derbyshire, to Manchester, and to confer other powers in lieu thereof.
- lviii. An Act for enabling the Metropolitan Railway Co. to acquire additional lands for the construction of the railway, and for station accommodation; for amending the Acts relating to the railway; and for other purposes.
- lix. An Act to authorize the lease of the Banbridge Junction Railway to the Dublin and Belfast Junction Railway Co.; and for other purposes.
- lx. An Act to enable the Belfast and County Down Railway Co. to abandon part of the Bangor branch; to extend the time for the completion of the remainder of such branch, and of the Donaghadee branch; and for other purposes.
- lxi. An Act for making a railway from the Belfast and County Down Railway at Holywood to Bangor, in the county of Down, in Ireland.
- lxii. An Act for a modification of the lease of the Dublin and Kingstown Railway to the Dublin and Wicklow Railway Co.; and for regulating the capital of the Dublin and Kingstown Railway Co.; and for other purposes.
- lxiii. An Act to enable the Keith and Duftown Railway Co. to abandon their authorized line of railway, and to make a new line of railway instead thereof.
- lxiv. An Act to authorize the construction of a railway from the authorized line of the London and South-Western Exeter Extension Railway to Chard.
- lxv. An Act to confer further powers with respect to the construction of railways at or near Burton-upon-Trent, and for other purposes.
- lxvi. An Act to enable the Midland Railway Co. to make railways between Rowsley and Buxton; to execute other works; and for other purposes.
- lxvii. An Act to authorize the Midland Railway Co. to construct a station in the parish of St. Pancras, London, and to effect arrangements with the Great Northern and North London Railway Companies, and with the Regent's Canal Co.; and for other purposes.
- lxviii. An Act for better supplying with gas and with water the township of Widnes, in the parish of Prescot.
- lxix. An Act for enabling the Great Western Railway Co. to construct a railway in the parishes of Clifton, Maybank, and Bradford Abbas, in connection with the Wilts, Somerset, and Weymouth Railway; to acquire additional lands at Yeovil; and for other purposes.
- lxx. An Act for increasing the capital of the Sheffield Waterworks Co.; for extending the limits of the Sheffield Waterworks Act, 1853, so as to comprise the parish of Ecclesfield; for making further provisions with respect to the said company; and for other purposes.
- lxxi. An Act for changing the name of the Sirhowy Tramroad Co. to the name "The Sirhowy Railway Co.;" and for authorizing the company to make new works, and to maintain and work the Sirhowy line as a railway, and to raise further funds; and for regulating their capital and borrowing powers; and for other purposes.
- lxxii. An Act for making a railway from the Ashchurch and Tewkesbury branch of the Midland Railway at Ashchurch to Great Malvern; and for other purposes.
- lxxiii. An Act for authorizing the East Somerset Railway Co. to abandon the making of their authorized railway from Shepton Mallett to Wells, and to make instead thereof another railway from Shepton Mallett to Wells; and for other purposes.
- lxxiv. An Act for authorizing the Grand Surrey Docks and Canal Co. to make additional docks and other works, and to raise further monies; and for other purposes.
- lxxv. An Act to incorporate a company for manufacturing and supplying gas within the parishes of Tormoham (including the town of Torquay), St. Mary Church, and Cockington; and for other purposes.
- lxxvi. An Act to enable the Oxford, Worcester, and Wolverhampton Railway Co. to take on lease the undertaking of the Severn Valley Railway Co.
- lxxvii. An Act to authorize arrangements with reference to the use by the London and North-western Railway Co. of the station at Normanton, and the railway between the same and Goose-hill; and for other purposes.
- lxxviii. An Act for supplying Dartford, Crayford, Eltham, and other places in Kent with water.
- lxxix. An Act to authorize the transfer to the London and North-western Railway Co. of part of the undertaking of St. Helen's Canal and Railway Co., and for the increase of the capital of the St. Helen's Co.
- lxxx. An Act for repairing the roads from Horsham to Steyning, and from thence to the top of Steyning-hill, and from the bottom of Steyning-hill to Slaughter's-corner, in the parish of Beeding, and from thence to Shoreham-bridge.
- lxxxi. An Act for the amalgamation of the Newport, Abergavenny, and Hereford, and the Worcester and Hereford Railway Companies, with the Oxford, Worcester, and Wolverhampton Railway Co., under the name of "The West Midland Railway Co."
- lxxxii. An Act for making a railway from the Oxford, Worcester, and Wolverhampton railway, to Bourton-on-the-Water, and for other purposes.
- lxxxiii. An Act for making a railway commencing by a junction with the Glasgow and South Western Railway, at or near the north or north-east end of the passenger station of that railway, Dumfries, and terminating by a junction with the Caledonian Railway at or near the north end of the Lockerby station on that line; and for other purposes.
- lxxxiv. An Act to increase the capital and amend the powers of the Dover Gaslight Co.
- lxxxv. An Act for authorising the London Hydraulic Power Co., limited, to acquire powers under "The Waterworks Clauses Acts, 1847;" and for other purposes.
- lxxxvi. An Act to amend the Local Act 54 Geo. 3, c. 103, for making a fair and equal county rate for the county of Buckingham.
- lxxxvii. An Act to grant additional powers to the Newry, Warrenpoint, and Restrevor Railway Co.
- lxxxviii. An Act for better defining the powers and liabilities of the Eau Brink Drainage Commissioners; for making provision for the repair and maintenance of the Eau Brink Bridge; for simplifying the mode of levying and collecting drainage taxes; for constituting from the body of common

- signers a new board, to be called Conservators of the Ouse Outfall; and for other purposes.
- lxxxix. An Act for making a railway from Buckley to Connaught Quay, Flintshire; and for other purposes.
- xc. An Act for making a railway from Altrincham through Knutsford to Northwich; and for other purposes.
- xc. An Act to change the name of the Nuneaton and Hinckley Railway Co.; and to enable that company to extend their railway from Hinckley to the Midland Railway, at Wigston Magna, near Leicester; and for other purposes.
- xcii. An Act for the alteration at Yeovil of the Salisbury and Yeovil Railway, leased to the London and South Western Railway Co., and of the Yeovil and Durston Branch of the Bristol and Exeter Railway; and for the making at Yeovil of a joint station for the London and South Western, and the Bristol and Exeter Railway Companies; and for other purposes.
- xciii. An Act to alter and amend the several Acts relating to the Manchester Corporation Waterworks, and for other purposes.
- xciv. An Act for making a railway from Stourbridge to Old Hill, with branches to Cradley Park, and Corngreaves Ironworks, and for other purposes.
- xcv. An Act for incorporating the Wellington Waterworks Co., and granting powers to them for better supplying with water the town of Wellington, and places adjacent thereto in the county of Salop; and for other purposes.
- xv. An Act for better supplying with water the town and parish of Maidstone; and for other purposes.
- xvii. An Act for more completely merging in the undertaking of the Caledonian Railway Co. certain railways known as the Leith and Glasgow branches; for incorporating the holders of the Leith and Glasgow branches stock, and securing to them a fixed annuity; and for other purposes.
- xviii. An Act for incorporating "The City of Dublin Steam Packet Co.," and for authorizing them to raise additional capital; and for other purposes.
- xcix. An Act for making a railway from Letterkenny to the Londonderry and Enniskillen Railway; and for other purposes.
- c. An Act for making a railway from the Great Southern and Western Railway, near Charleville, to the Limerick and Foyens Railway, near Patrick's Well, and also a short line of railway at Limerick, to be called "The Cork and Limerick Direct Railway;" and for other purposes.
- ci. An Act for enabling the Oswestry and Newtown Railway Co. to raise additional capital, to lease their undertaking; and for other purposes.
- cii. An Act for better supplying with water the towns of Staines, Hounslow, Ealing, Acton, and Hanwell, and the several parishes and places adjacent thereto, and for other purposes.
- ciii. An Act for authorizing the London and South Western Railway Co. to make and maintain a railway in extension of their Exeter Extension Railway, and to connect that railway with the Bristol and Exeter Railway; and for authorizing alterations of the Saint David's Station, on the Bristol and Exeter Railway, and the laying down of rails on the narrow gauge on divers railways, and the working by the London and South Western Railway Co. over those narrow gauge lines of railway, from their Exeter Extension Railway to Bideford; and for other purposes.
- civ. An Act to carry into effect an arrangement between the Corporation of the Royal Naval School, and her Majesty's Commissioners of the Patriotic Fund, for the admission of pupils into the said school.
- cv. An Act for enabling the Cardiff Waterworks Co. to construct additional works, and obtain a further supply of water for the town of Cardiff and the surrounding districts; and for other purposes.
- cvi. An Act to amend the Blyth Harbour and Dock Act, 1858; to extend the time for completion of works, and to levy additional tolls and rates; and for other purposes.
- cvi. An Act for continuing the powers of the trustees of the Wexford Free Bridge: for enabling them to complete that bridge, and to construct and improve approaches thereto; for authorizing the grand jury of the county of Wexford to present additional sums of money; and for other purposes.
- cvi. An Act for making a turnpike road from the Oswestry and Newtown Railway near Cilgerran over the river Severn to Tregeon.
- cix. An Act to authorize the London, Brighton, and South Coast Railway Co. to make a railway from the London, Brighton, and South Coast Railway in the parish of Croydon to the West End of London, and Crystal Palace Railway near Balham Hill, with a branch railway connected therewith; and for other purposes.
- cx. An Act for better supplying with water the inhabitants of Consett and other districts in the county of Durham.
- cx. An Act for making a railway from the London and North Western Railway at Watford to Rickmansworth; and for other purposes.
- cxii. An Act to create a further term in the Egleston roads, to add other roads to the trust; to repeal, amend, and extend the Act relating to the said roads; and for other purposes.
- cxiii. An Act for the Bolton and St. Helen's road.
- cxiv. An Act to enable the Dublin and Drogheda Railway Co. to extend their railway from Kells to Oldcastle; and for other purposes.
- cxv. An Act to amend and extend the powers of management of the corporation of the North British Insurance Co.
- cxvi. An Act to enable the Morayshire Railway Co. to construct a railway from Elgin to Rothes; and for other purposes.
- cxvii. An Act to enable the Sovereign Life Assurance Co. to sue and be sued; to alter and amend some of the provisions of their deed of settlement; and to confer further powers on the company.
- cxviii. An Act for the Doncaster and Tadeaster road.
- cxix. An Act to authorize the improvement of the common muir of Auchterarder, in the county of Perth, and to regulate the management thereof, and the application of the revenues arising therefrom for the benefit of that burgh or town.
- cxix. An Act to enable the Symington, Biggar, and Broughton Railway Co. to extend their railway from Broughton to Peebles; and for other purposes.
- cxix. An Act for enabling the Portadown, Dungannon, and Omagh Junction Railway Co. to alter the line of their extension railway, and to make a branch railway at Omagh; for authorizing certain arrangements with the Ulster Railway Co. and Londonderry and Enniskillen Railway Co.; and for other purposes.
- cxix. An Act for making a railway from the Stockport, Didsley, and Whaley-bridge Railway to Hayfield; and for other purposes.
- cxix. An Act to enable the London and Blackwall Railway Co. to provide additional station accommodation and other works connected with their railway; to make a branch railway to the London Docks; to enter into arrangements with certain other companies; and for other purposes.
- cxix. An Act to enable the Salisbury and Yeovil Railway Co. to make a deviation from their authorized main line near Yeovil, and for other purposes connected with their undertaking.
- cxix. An Act for vesting in a body of trustees, to be called "The Upper Mersey Dues Trustees," a certain portion of the Liverpool town and anchorage dues; and for other purposes.
- cxix. An Act to continue and amend two Acts, passed in the first and tenth years of the reign of his Majesty King George the Fourth, relating to certain roads and bridges in the counties of Lanark and Dumfries.
- cxix. An Act to enable the Hereford, Hay, and Brecon Railway Co. to relinquish the junction of their line with the Shrewsbury and Hereford Railway, and in substitution therefor to form a junction with the Newport, Abergavenny, and Hereford Railway.
- cxix. An Act for making a railway from Tenbury to the Severn Valley Railway, near Bewdley.
- cxix. An Act to incorporate a company for the improvement of buildings; and for other purposes.
- cxix. An Act for extending the time for the completion of portions of the Dorset Central Railway; for enabling the Somerset Central Railway Co. to subscribe to the undertaking; and for other purposes.
- cxix. An Act for making a railway from Inverness to Invergordon, to be called "The Inverness and Ross-shire Railway," and for other purposes.
- cxix. An Act to provide for alterations in the appointment of overseers, collectors, and other poor law officers, in the township of Leeds; for the incorporation of overseers for specific purposes; and for the levying and collection of poor rates; and for other purposes.
- cxix. An Act to enable the Mid-Wales Railway Co. to make a deviation in their authorized railway, and to construct railways to connect their railway with the Hereford, Hay,

- and Brecon, and the Brecon and Merthyr Junction Railways; and for other purposes.
- cxix. An Act to alter, amend, and extend the powers of the Acts relating to the Port Carlisle Dock and Railway, and Carlisle and Silloth Bay Railway and Dock Companies; to enable the Port Carlisle Dock and Railway Co. to raise additional capital; to enable both or either of the said companies to run over and use portions of the railways of the Newcastle-upon-Tyne and Carlisle Railway Co.; to compel the Newcastle-upon-Tyne and Carlisle Railway Co. to afford facilities and accommodation upon their railways to the traffic of the said companies; and for other purposes.
- cxl. An Act to extend the period limited by "The Swansea Harbour Act, 1859," for the construction and completion of the works authorized by "The Swansea Harbour Act, 1854."
- cxli. An Act to empower the Stockport, Disley, and Whaley Bridge Railway Co. to raise additional money; and for other purposes connected with their undertaking.
- cxlii. An Act for amending "The Abergavenny Improvement Act, 1854," for enabling the commissioners to construct works, and supply their district with water and gas; and for other purposes.
- cxliii. An Act for renewing the term and for more effectually repairing and maintaining the road from the Marchburn, through Kelso to Lauder with a branch from the said road near Fanshousland, through the village of Earliston, to the Roxburghshire turnpike road.
- cxliv. An Act for making a branch railway from the Oswestry and Newtown railway at Llynollys to the Porthwael lime rocks.
- cxlv. An Act to amalgamate the Jedburgh Railway Co. with the North British Railway Co. and for other purposes.
- cxlvi. An Act for making a railway from Llandrindod to Llandovery, to be called "The Central Wales Extension Railway;" and for other purposes.
- cxlvii. An Act for making a railway from the royal burgh of Bervie or Inverbervie to the Montrose branch of the Scottish North-eastern railway, to be called "The Montrose and Bervie Railway."
- cxlviii. An Act to extend the Epping railways to Great Dunmow.
- cxlix. An Act to enable the Caledonian Railway Co. to acquire, make, and maintain certain branch railways to Lanark and to the Douglas Mineral Field, and also to their Granton branch.
- cl. An Act to enable the West of Fife Mineral Railway Co. to extend the Kingseat branch of their railway; and for certain other purposes.
- cli. An Act to repeal an Act of the first year of the reign of King William the Fourth, intitled "An Act for repairing the road from Wimbome Minister to Blandford Forum, and to make other provisions in lieu thereof, and for other purposes."
- clii. An Act for the transfer of the remaining property of the Hungerford Market Co. and the Charing Cross Bridge Co. respectively to the Charing Cross Railway Co., and for the winding up of the affairs and the dissolution of the Hungerford Market Co. and the Charing Cross Bridge Co. respectively, and for other purposes.
- cliii. An Act for enabling the Local Board of Health for the town and district of Swansea to construct and maintain an improved system of waterworks; and for other purposes.
- cliv. An Act for making a railway from the Chester and Holyhead Railway near Conway to Llanrwst.
- cli. An Act to enable the Mersey Docks and Harbour Board to erect floating bridges and other works at Liverpool and Woodside, for improving the communication between Liverpool and Birkenhead; and for other purposes.
- clvi. An Act for making better provision for the maintenance, regulation, and improvement of Watchet harbour; and for other purposes.
- clvii. An Act to enable the Wimbledon and Dorking Railway Co. to raise further capital; and for other purposes.
- clviii. An Act for making a railway from the Waterford and Kilkenny railway at Kilkenny to the Great Southern and Great Western railway at Mountrath, and for other purposes.
- clix. An Act to consolidate into one Act, and to amend, extend, and enlarge the powers and provisions of the several Acts for embanking and draining certain low lands and grounds in the parishes or townships of Everton, Seftworth, Gringley-on-the-Hill, Mitterton, and Walkeringham in the county of Nottingham, and to make further and better provision for such embankment and drainage.
- clx. An Act for making a railway from Kilrush to Kilkee, and for embanking and reclaiming certain waste lands in the estuary of Poulinaherry in the county of Clare.
- clxi. An Act for authorising the construction of a railway and docks and other works on the north side of Milford Haven, and for other purposes.
- clxii. An Act for the extension of the Waveney Valley railway from Bungay to Beccles in Suffolk.
- clxiii. An Act for authorising the transfer of the Epsom and Leatherhead Railway, and for other purposes.
- clxiv. An Act to confer powers on the North British Railway Co. to enlarge their station at Edinburgh, and with respect to the Carlisle Citadel Station.
- clxv. An Act to enable the Waterford and Limerick Railway Co. to construct a tramway to the market place at Limerick, and a railway with a pier or wharf in connection therewith at their terminus at Waterford; to raise additional capital; and for other purposes.
- clxvi. An Act for authorizing a lease in perpetuity of the Vale of Towry Railway to the Llanelly Railway and Dock Co., and for increasing the capital of the company, and for other purposes.
- clxvii. An Act for making railways for the purpose of connecting Ryde with Ventnor and the east coast of the Isle of Wight, and for other purposes.
- clxviii. An Act for making a railway from Sudbury, through Melford, to Clare.
- clxix. An Act for making a railway from the Vale of Clwyd Railway, at Denbigh, to Corwen, to be called "The Denbigh Ruthin, and Corwen Railway."
- clxx. An Act to repeal an Act, intitled "An Act for the Improvement of the Navigation of the River Moy, in the counties of Mayo and Sligo, in Ireland," and to grant other and further powers for the improvement of the said navigation.
- clxxi. An Act for making railways between the London, Brighton, and South Coast and Direct Portsmouth railways and Hayling Ferry, and for other purposes.
- clxxii. An Act to empower the Bradford, Wakefield, and Leeds Railway Co. to construct a railway to Ossett; and for other purposes.
- clxxiii. An Act for making an improved communication between the Great Northern Railway and the Metropolitan Railway near the King's Cross station, and for authorising certain arrangements between the Great Northern and Metropolitan Railway Companies with reference thereto.
- clxxiv. An Act for incorporating and granting other powers to "The Land Loan and Enfranchisement Co."
- clxxv. An Act to alter and amend "The Scottish Drainage and Improvement Company's Act, 1856."
- clxxvi. An Act to enable the London, Brighton, and South Coast Railway Co. to make certain alterations in their coast lines and in the line of the West End of London and Crystal Palace Railway, a new channel for the river Arun, and other works; and for other purposes.
- clxxvii. An Act for enabling the Mid-Sussex and Midhurst Junction Railway Co. to deviate a portion of the authorised line of the Mid-Sussex and Midhurst Junction Railway, 1859.
- clxxviii. An Act for making a railway from the Mid-Sussex and Midhurst Junction Railway to Petersfield.
- clxxix. An Act for the transfer of the Farnborough Extension Railway to the London, Chatham, and Dover Railway and for the dissolution of the West End of London Co., and Crystal Palace Railway Co.; and for other purposes.
- clxxx. An Act for making a railway from Llanidloes, to Pencaer, and for other purposes.
- clxxxi. An Act for consolidating the Acts relating to the Widows Fund of the Royal College of Surgeons, of Edinburgh, for regulating the future management of the said fund, and for other purposes.
- clxxxii. An Act for enabling the London, Chatham, and Dover Railway Co. to extend their railway communications to the Metropolis; and for other purposes connected with their undertaking.
- clxxxiii. An Act to enable the Monkland Railways Co. to make and maintain a branch railway to Shotts Ironworks, and certain other branches and works in the counties of Lanark and Linlithgow; and for other purposes.
- clxxxiv. An Act for vesting the Hay Railway, in the Hereford, Hay, and Brecon Railway Co., and for dissolving the Hay Railway Co., and for other purposes.
- clxxxv. An Act for making a railway from the Mid-Sussex railway to the Godalming branch of the London and South-

INDEX TO THE PUBLIC GENERAL ACTS,

23 & 24 VICTORIE,

SHOWING WHETHER THEY RELATE TO THE WHOLE OR TO ANY PART OF THE UNITED KINGDOM.

E. signifies that the Act relates to England (and Wales, if the subject extends so far).—S. to Scotland.—I. to Ireland.—E. & I. to England and Ireland.—G.B. to Great Britain.—G.B. & I. to Great Britain and Ireland.—U.K. to the whole of the United Kingdom.

The figures at the ends of the lines denote the pages where the Acts are set out at length in the PUBLIC STATUTES OF THE SOLICITORS' JOURNAL.

ACCOMMODATION FOR SHERIFF COURTS, to provide additional
—S. c. 79.

ADMIRALTY; to transfer to the Postmaster General securities entered into with the Commissioners of the Admiralty in relation to the Packet Service—U.K. c. 6.....2

ADMIRALTY JURISDICTION (INDIA). See EAST INDIES.

ADMISSION OF BURGESSES; to amend the law relative to the legal qualifications of councillors and the admission of burgesses in Royal Burghs in Scotland.—S. c. 47.

ADULTERATION OF FOOD OR DRINK; for preventing the adulteration of food or drink—G.B. & I. c. 84.....52

AFRICA, COAST OF; to amend 6 & 7 Vict. c. 13; to enable her Majesty to provide for the government of her settlements on the coast of Africa and in the Falkland Islands—U.K. c. 121.

ANNUAL RETURNS, &c.; to provide for an annual return of rates, taxes, tolls, and dues levied for local purposes—E. c. 51.....30

ANNUITY TAX; to abolish the annuity tax in Edinburgh and Montrose, and to make provision in regard to the stipends of the ministers in that city and burgh, and also to make provision for the patronage of the church in North Leith—S. c. 50.

ANSTRUTHER UNION HARBOUR. See HARBOURS.

APPROPRIATION OF SUPPLIES. See CONSOLIDATED FUND.

ARMY. See EUROPEAN FORCES, NAVY DISCIPLINE, and POST OFFICE.

ASYLUM FOR CRIMINAL LUNATICS; to make better provision for the custody and care of criminal lunatics—E. c. 75.....46

ATTORNEYS, &c.; to amend the laws relating to attorneys, solicitors, proctors, and certificated conveyancers—E. c. 127.....90

AUGMENTATION OF SMALL BENEFICES; to promote and facilitate the endowment and augmentation of small benefices—E. c. 72.

BANK OF ENGLAND; to provide for the management of East India Stock and of the debts and obligations of the government of India, at and by the Bank of England—U.K. c. 102.....63

BANK OF IRELAND; to repeal a certain enactment in 21 & 22 Geo. 3, c. 16 (I) for restraining the Governor and Company of the Bank of Ireland from lending money on mortgage—I. c. 31.

—to make provision as to stock and dividends unclaimed in Ireland—I. c. 71.

BANKRUPTCY; to amend certain provisions in the bankrupt law of Scotland—S. c. 33.

BARNARD'S (SIR JOHN) ACT, &c.; to repeal the Act 7 Geo. 2, c. 8, commonly called "Sir John Barnard's Act," and the Act 10 Geo. 2, c. 8—G.B. & I. c. 28.....19

BENEFIT SOCIETIES. See VOLUNTEER CORPS.

BIRTHS, DEATHS, & MARRIAGES. See REGISTRATION OF BIRTHS, &c.

BLEACHING AND DYING WORKS, to place the employment of women, young persons, and children in, under the regulations of the Factories Acts—G.B. & I. c. 78.

BOARDS OF HEALTH; to make further provision for the expenses of local boards of health and improvement commissioners acting as burial boards—E. c. 64.....32

BOROUGH CORONERS. See CORONERS.

BRAWLING, to abolish the jurisdiction of the ecclesiastical courts in certain cases of—E. & I. c. 32.....21

BUILDINGS, METROPOLITAN; to alter and amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 129)—E. c. 52.90

BURGESS TENURE. See LAND.

BURIAL BOARDS; to make further provision for the expenses of local boards of health and improvement commissioners acting as burial boards—E. c. 64.....32

BURIAL GROUNDS; to amend the Burial Grounds (Ireland) Act, 1856 (19 & 20 Vict. c. 98)—I. c. 76.

CALEDONIAN AND CHINAN CANALS, to amend and enlarge the powers and provisions of the several Acts relating to the—S. c. 46.

CASTLE STEWART AND NAIRN ROAD, to levy an assessment in the county of Inverness to discharge a debt on the—S. c. 37.

CATHEDRAL CHURCH OF MANCHESTER. See MANCHESTER.

CATHEDRAL CHURCH. See MANCHESTER.

CENSUS; for taking the census of England—E. c. 61.....36

—for taking the census in Scotland—S. c. 98.

—for taking the census of Ireland—I. c. 62.

CENTRAL ARSENAL. See DEFENCE OF THE REALM.

CERTIFIED CONVEYANCERS, to amend the laws relating to—E. c. 127.

CERTIFICATES TO DEAL IN GAME. See GAME CERTIFICATES.

CHANCERY COURT OF; to enable the Lord Chancellor and judges of the Court of Chancery to carry into effect the recommendations and suggestions of the chancery evidence commissioners by general rules and orders of the Court—E. c. 128.....95

—to make better provision for the relief of prisoners in contempt of the High Court of Chancery and pauper defendants, and for the more efficient despatch of business in the said Court—E. c. 149.....111

—to explain the Act 18 & 19 Vict. c. 43, for enabling infants, with the approbation of the Court of Chancery, to make binding settlements of their real or personal estate on marriage—E. & I. c. 83.....52

CHANNEL ISLANDS; to grant excise duties on British spirits and on spirits imported from the Channel Islands—U.K. c. 129.

CHARITIES; to amend the law regarding Roman Catholic charities—U.K. c. 134.....37

—to amend the law relating to the administration of endowed charities—E. c. 136.....98

CHARITY COMMISSION; for confirming a scheme of the Charity Commissioners for the administration of Archbishop Tenison's charity in the parish of Saint Martin in the Fields—E. c. 43

CHEAP TRAINS, &c. See RAILWAYS.

CHICORY. See EXCISE DUTIES.

CHURCH TEMPORALITIES; further to amend certain Acts relating to the temporalities of the Church in Ireland—E. c. 150.

CIVIL SERVICE SUPERANNUATION; to extend in certain cases the provisions of the Superannuation Act, 1859, 22 Vict. c. 26—U.K. c. 89.....54

COAST OF AFRICA. See AFRICA.

COLEWORT BARRACKS (PORTSMOUTH). See PORTSMOUTH.

COLLEGE ESTATES. See UNIVERSITIES AND COLLEGE ESTATES.

COLONIAL LEGISLATURES; to enable the legislatures of her Majesty's possessions abroad to make enactments similar to the enactment of the Act 9 Geo. 4, c. 31, &c.—U.K. c. 122.....74

COMMON LAW PROCEDURE; for the further amendment of the process, practice, and mode of pleading in and enlarging the jurisdiction of the superior courts of common law at Westminster—E. c. 126.....87

- COMMON LAW PROCEDURE**; to amend the provisions of the Common Law Procedure (Ireland) Act Amendment, 1853 (16 & 17 Vict. c. 113)—I. c. 82.
- COMMON LODGING HOUSES**. See **LODGING HOUSES**.
- COMMON INCLOSURE**. See **INCLOSURE**.
- COMMUTATION OF TITHES**. See **TITHES**.
- CONSOLIDATED FUND**; to apply the sum of £407,649 out of the consolidated fund to the service of the year ending 31st March, 1860—U.K. c. 2.
- to apply the sum of £4,500,000 out of the consolidated fund to the service of the year 1860—U.K. c. 3.
- to apply the sum of £850,000 out of the consolidated fund to the service of the year ending 31st March, 1860—U.K. c. 12.
- to apply the sum of £9,500,000 out of the consolidated fund to the service of the year 1860—U.K. c. 25.
- to apply the sum of £10,000,000 out of the consolidated fund to the service of the year 1860—U.K. c. 103.
- to apply a sum out of the consolidated fund and the surplus of ways and means to the service of the year 1860, and to appropriate the supplies granted in this session of Parliament—U.K. c. 131.
- CONTEMPT, PRISONERS FOR**. See **CHANCERY, COURT OF**.
- COPYHOLD COMMISSION, &c.** See **INCLOSURE**.
- CORONERS**; to amend the law relating to the election, duties, and payment of county coroners—E. c. 115.....73
- to amend the provisions of the Municipal Corporations Act, 3 & 4 Vict. c. 106, with respect to the appointment of coroners in boroughs—I. c. 74.
- CORRUPT PRACTICES PREVENTION**; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102)—G.B. & I. c. 99.
- COTTAGES FOR LABOURERS**. See **LABOURERS' COTTAGES**.
- COUNCIL OF GOVERNOR-GENERAL OF INDIA**, to remove doubts as to the authority of the senior member of the, in the absence of the president—U.K. c. 87.
- COUNTY CORONERS**. See **CORONERS**.
- CREDITORS AND DEBTORS**; to amend the Act 7 & 8 Vict. c. 70—E. c. 147.
- CRIMINAL LUNATIC ASYLUM**; to make better provision for the custody and care of criminal lunatics—E. c. 75.....47
- CRINAN CANAL**, to amend and enlarge the powers and provisions of the several Acts relating to the—S. c. 46.
- CROWN DEBTS AND JUDGMENTS**, to simplify and amend the practice as to the entry of satisfaction on—U.K. 115.....72
- CROWN OFFICE**; to amend the Act 6 & 7 Vict. c. 20, for abolishing certain offices on the Crown side of the Court of Queen's Bench, and for regulating the Crown-office—E. c. 54.....31
- CUSTOMS**; to amend the laws relating to the customs—U.K. c. 22.
- to consolidate the duties on customs—U.K. c. 110.
- to authorise the appointment and approval of places for the warehousing of goods for the security of duties of customs—U.K. c. 36.....24
- DEBTORS AND CREDITORS**; to amend the Act 7 & 8 Vict. c. 70—E. c. 147.....24
- DEFENCE OF THE REALM**; to make better provision for acquiring lands for the defence of the realm—G.B. & I. c. 112.....57
- for defraying the expenses of constructing fortifications for the protection of the Royal arsenals and dockyards and the ports of Dover and Portland, and of creating a central arsenal—G.B. & I. c. 109.
- DISCIPLINE, NAVAL**; to amend the laws relating to the Government of the Navy—U.K. c. 123.....74
- DISEASES, PREVENTION**; to amend the Acts 18 & 19 Vict. c. 121 and 116, for the removal of nuisances and the prevention of diseases—E. c. 77.....48
- DISTILLATION OF SPIRITS**. See **SPIRITS**.
- DIVIDENDS, UNCLAIMED**; to make provision as to stock and dividends unclaimed in Ireland—I. c. 71.
- DIVORCE COURT**; to amend the procedure and powers of the Court for Divorce and Matrimonial Causes—E. c. 144.....107
- DOCKYARDS**; for the employment of the Metropolitan Police Force in her Majesty's yards and military stations—E. c. 135.....107
- DOMINION HURRICANE**. See **WEST INDIA RELIEF**.
- DROWN, ARTICLES OF**, for preventing the adulteration of—G.B. & I. c. 84.....52
- DUBLIN**; to vest the management of the Phoenix Park in the Commissioners of Public Works in Ireland—I. c. 42.
- DUCHY OF CORNWALL**; for the limitation of actions and suits by the Duke of Cornwall in relation to real property and for authorising certain leases of possessions of the Duchy—E. c. 53.....31
- DWELLINGS FOR THE LABOURING CLASSES**. See **LABOURERS' COTTAGES**.
- DYEING WORKS, &c.**; to place the employment of women, young persons, and children, and children in bleaching works and dyeing works under the regulations of the Factories Acts—G.B. & I. c. 78.....50
- EAST INDIA BONDS, &c.** See **PROBATE AND ADMINISTRATION**.
- EAST INDIA LOAN**; to enable the Secretary of State in council of India to raise money in the United Kingdom for the service of the Government of India—U.K. c. 130.....63
- EAST INDIA STOCK TRANSFER, &c.**; to provide for the management of East India Stock, and of the debts and obligations of the Government of India, at and by the Bank of England—U.K. c. 102.....63
- EAST INDIES**; to remove doubts as to the authority of the senior member of the council of the Governor General of India, in the absence of the President—U.K. c. 87.....31
- to extend certain provisions for Admiralty jurisdiction in the colonies to her Majesty's territories in India—U.K. c. 88
- to repeal so much of the Act 22 & 23 Vict. c. 27, and of certain other Acts as authorises the Secretary of State in council to give directions for raising European forces for the Indian army of her Majesty—U.K. c. 100.....63
- to extend in certain cases the provisions of the Superannuation Act, 1859 (22 Vict. c. 26)—U.K. c. 89.....54
- ECCLESIASTICAL COMMISSION, &c.**; further to amend the Acts relating to the Ecclesiastical Commissioners, &c.—E. c. 124.....82
- to enable the Ecclesiastical Commissioners for England to apply certain funds towards the repairs of the Cathedral or Collegiate Church of Manchester—E. c. 68.....21
- to make better provision for the union of contiguous benefices in cities, towns, and boroughs—E. c. 142.....21
- further to amend certain Acts relating to the temporalities of the church in Ireland—I. c. 150.....21
- ECCLESIASTICAL COURTS**, to abolish the jurisdiction of, in Ireland in cases of defamation, and in England and Ireland in certain cases of bawling—E. & I. c. 32.....21
- EDINBURGH**, to confer powers on the commissioners of her Majesty's works and public buildings to acquire certain property in, for the erection of an industrial museum—S. c. 117.....21
- to abolish the annuity tax in Edinburgh and Montrose, and to make provision in regard to the stipends of the ministers in that city and burgh, &c.—S. c. 50.....21
- ELECTIONS, PARLIAMENTARY**; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102)—G.B. & I. c. 99.....88
- EMBLEMS, PARTY**. See **PARTY EMBLEMS**.
- ENDOWED CHARITIES**. See **CHARITIES**.
- ENDOWED SCHOOLS**, to amend the law relating to—E. c. 114.....113
- ENDOWMENT, &c., OF SMALL BENEFICES**; to promote and facilitate the endowment and augmentation of small benefices—I. c. 72.....21
- EPISCOPAL AND CAPITAL ESTATES**; further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the management of episcopal and capital estates—E. c. 124.....82
- EUROPEAN FORCES (INDIA)**. See **EAST INDIES**.
- EVIDENCE (CHANCERY)**. See **CHANCERY, COURT OF**.
- EXCHEQUER BILLS, &c.**; for raising the sum of £13,230,000 by Exchequer Bills for the service of the year 1860—U.K. c. 20.
- for raising the sum of £2,000,000 by Exchequer Bonds or Exchequer Bills for the service of the year 1860—U.K. c. 132.....113
- EXCISE DUTIES**; to grant duties of excise on ale, and on licences to dealers in sweets or made wines; also to reduce the excise duty on hops and the period of credit allowed for payment of the duty of malt and hops respectively; to repeal the exemption from licence duty of persons dealing in foreign wine and spirits in bond; and to amend the laws relating to the excise—G.B. & I. c. 113.....113
- to reduce into one Act, and to amend the excise regulations relating to the distilling, rectifying, and dealing in spirits—U.K. c. 114.....113
- to grant excise duties on British spirits and on spirits imported from the Channel Islands—U.K. 119.....113
- to repeal the duties on game certificates and certificates to deal in game, and to impose in lieu thereof duties on

excise licences, and certificates for the like purposes—G.B. & I. c. 90..... 55
 EXTRA-PAROCIAL PLACES, to remove doubt as to the validity of certain marriages in—E. c. 24..... 12
 FACTORIES, to place the employment of women, young persons, and children in bleaching works and dyeing works, under the regulations of the Factories Acts—G.B. & I. c. 78..... 50
 FIREWORKS. See GUNPOWDER.
 FISHERIES; to extend the Act 8 & 9 Vict. c. 26, for preventing fishing for trout or other fresh-water fish by nets in the rivers and waters in Scotland—S. c. 45.
 —to amend the law relative to the Scottish herring fisheries—S. c. 92.
 FOOD OR DRINK, for preventing the adulteration of articles of—G.B. & I. c. 84..... 52
 FORTIFICATIONS. See DEFENCE OF THE REALM.
 FRESH-WATER FISHING. See FISHERIES.
 FRIENDLY SOCIETIES; to amend the Act 18 & 19 Vict. c. 63 relating to friendly societies—G.B. & I. c. 58..... 32
 —to make further provision with respect to monies received from savings banks and friendly societies—G.B. & I. c. 137.
 FRIENDS, SOCIETY OF; to amend the Acts relating to marriages, by extending certain provisions thereof to persons professing with the Society of Friends—E. & I. c. 18..... 10
 GAME CERTIFICATES, &c.; to repeal the duties on game certificates and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes—G.B. & I. c. 113, s. 45..... 55
 GAS, SALES OF; to amend the Act 22 & 23 Vict. c. 66, for regulating measures used in—G.B. & I. c. 146..... 111
 GAS, SUPPLY OF; for better regulating the supply of gas to the metropolis—E. c. 125.
 GOVERNMENT OF THE NAVY; to amend the laws relating to the government of the navy—U.K. c. 123..... 74
 GROUNDS FOR RIFLE PRACTICE, for facilitating the acquisition by rifle volunteer corps of—G.B. c. 140.
 GUNPOWDER, &c.; to amend the law concerning the making, keeping, and carriage of gunpowder and compositions of an explosive nature, and concerning the manufacture, sale, and use of fireworks—G.B. & I. c. 139.
 HARBOURS, &c.; to provide for the settlement and discharge of the debt due to the commissioners of her Majesty's treasury from the harbour and docks of Leith—S. c. 48.
 —for the construction of a new harbour, and the improvement of the existing harbour, Anstruther Easter (Fife)—S. c. 39.
 —to make further provision for improvements in the harbours of the Isle of Man—E. c. 56.
 HERITABLE SECURITIES, &c.; to regulate the levying and collection of the inventory duty payable upon heritable securities and other property—S. c. 80.
 HERRING FISHERIES; to amend the law relative to the Scottish herring fisheries—S. c. 92.
 HIGHLAND ROADS AND BRIDGES. See INVERNESS.
 HIGHWAY RATES; to continue the Act 4 & 5 Vict. c. 59, for authorising the application of highway rates to turnpike roads—E. c. 67.
 HIGHWAYS (SOUTH WALES), for the better management and control of—W. c. 68..... 40
 HOPS. See EXCISE DUTIES.
 ILLICIT DISTILLATION. See SPIRITS.
 IMPROVEMENT OF TOWNS; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33), so as to enable towns and populous places in Scotland to avail themselves of its provisions for sanitary and other improvements, without at the same time adopting its provisions as regards the establishment and maintenance of a police force—S. c. 96.
 IMPROVEMENTS, PUBLIC; to enable a majority of two-thirds of the ratepayers of any parish or district, duly assembled, to rate their district in aid of public improvements for the general benefit within their district—E. c. 30..... 20
 INCLOSURE; to authorise the inclosure of certain lands in pursuance of a report of the inclosure commissioners—E. c. 17..... 10
 —to authorise the inclosure of certain lands in pursuance of a special report of the inclosure commissioners—E. c. 55.
 —to continue appointments under the Act 14 & 15 Vict.

c. 53, for consolidating the copyhold and inclosure commissions; and for completing proceedings under the Tithe Commutation Acts—G.B. & I. c. 81..... 52
 INCOME TAX; for granting to her Majesty duties on profits arising from property, professions, trades, and offices—G.B. & I. c. 14..... 4
 INDEMNITY; to indemnify such persons as have omitted to qualify themselves for offices and employments, and to extend the time limited for those purposes respectively—G.B. & I. c. 40..... 28
 INDIAN BONDS AND SECURITIES; to regulate probate and administration with respect to certain Indian government securities; to repeal certain stamp duties; and to extend the operation of the Act 22 & 23 Vict. c. 39, to Indian bonds—U.K. c. 5..... 1
 INDUSTRIAL MUSEUM FOR SCOTLAND. See EDINBURGH.
 INDUSTRIAL SCHOOLS; to amend the Industrial Schools Act, 1857 (20 & 21 Vict. c. 48)—E. c. 108..... 64
 INFANTS MARRIAGES. See CHANCERY, COURT OF.
 INJURIES, MALICIOUS; to amend the Act 7 & 8 Geo. 4, c. 30, relative to malicious injuries to property—E. c. 29..... 20
 INLAND BOXING; to authorise the appointment and approval of places for the warehousing of goods for the security of duties of customs—U.K. c. 36..... 24
 INVENTORY DUTY. See HERITABLE SECURITIES.
 INVERNESS, to levy an assessment in the county of, to discharge a debt on the Castle Stewart and Nairn road—S. c. 37.
 INVESTMENTS OF SAVINGS BANKS, &c.; See SAVINGS BANKS.
 IONIAN ISLANDS (MARRIAGES). See MARRIAGES.
 ISLE OF MAN HARBOURS. See HARBOURS.
 JEWS; to amend the Act of 21 & 22 Vict. c. 49, to provide for the relief of her Majesty's subjects professing the Jewish religion—G.B. & I. c. 63..... 38
 JUDGMENTS; to simplify and amend the practice as to the Entry of satisfaction on Crown debts, and on judgments—U.K. c. 115..... 72
 JURISDICTION, ADMIRALTY (INDIA).—See EAST INDIA.
 LABOURERS' COTTAGES; to facilitate the building of cottages for labourers, farm servants, and artisans, by the proprietors of entailed estates—S. c. 95.
 —to extend the Act 18 & 11 Vict. c. 32, to facilitate the improvement of landed property in Ireland, and the Acts amending the same, to the erection of dwellings for the labouring classes—I. c. 19..... 1
 LAND; to amend the law relating to the tenure and improvement of—I. c. 153.
 —to extend certain provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76), to titles to land held by burgage tenure, and to amend the said Act—S. c. 143.
 LANDLORD AND TENANT, to consolidate and amend the law of—I. c. 154.
 LAND, to amend the law relating to the tenure and improvement of—I. c. 153.
 LANDS CLAUSES CONSOLIDATION ACTS; to amend the Lands Clauses Consolidation Acts, 1855 (8 & 9 Vict. cc. 18 and 19), in regard to sales and compensation for land by way of a rent charge; annual feu duty, or ground annual; and to enable her Majesty's principal Secretary of State for the War Department to avail himself of the powers and provisions contained in the same Acts—G.B. & I. c. 106.
 LANDS, INCLOSURE OF. See INCLOSURE.
 LAW AND EQUITY; for the further amendment of the process, practice, and mode of pleading in and enlarging the jurisdiction of the superior courts of common law at Westminster—E. c. 126..... 87
 LAW OF PROPERTY; to further amend the law of property—E. & I. c. 38..... 25
 LEITH. See HARBOURS.
 LIMITATION OF ACTIONS (DUCHY OF CORNWALL); for the limitation of actions and suits by the Duke of Cornwall in relation to real property, and for authorizing certain leases of possessions of the duchy—E. c. 53..... 31
 LOCAL BOARDS OF HEALTH, &c.; to make further provision for the expenses of local boards of health and improvement commissioners acting as burial boards—E. c. 64..... 38
 LOCAL GOVERNMENT; to confirm certain provisional orders under the Local Government Act, 1838 (21 & 22 Vict. c. 98), relating to the districts of Southampton, Leicester, Epsom, Coventry, Ipswich, Fareham, Wells, Tormoham, Scarborough, Ludlow, Banbury, Boston, Penrith, Barnley and Shipley, &c.—E. c. 44.

- LOCAL GOVERNMENT**; to confirm certain provisional orders under the Local Government Act (1858), relating to Nottingham, Sunderland, Hastings, Reading, Chatham, Dartmouth, Tiptonbridge Wells, Sheerness, Sandgate, Wilton, Bridgnorth, and Dorchester—E. c. 118.
- LOCAL TAXATION**; to provide for an annual return of rates, taxes, tolls, and dues levied for local purposes—E. c. 51...30
- LODGING HOUSES**; to remove doubts as to the application of "The Common Lodging Houses Acts" to Ireland, and to amend the provisions of the same so far as they relate to Ireland—I. c. 26.
- LUNATIC ASYLUM FOR CRIMINALS**; to make better provision for the custody and care of criminal lunatics—E. c. 75...46
- MADE WINES**. See **DUTIES**.
- MALICIOUS INJURIES TO PROPERTY**, to amend the Act 7 & 8 Geo. 4. c. 30. relative to—E. c. 29.....20
- MANCHESTER CATHEDRAL CHURCH**, to enable the Ecclesiastical Commissioners to apply certain funds towards the repairs of—E. c. 69.
- MARINE MUTINY**. See **MURKIN**.
- MARRIAGES**; to amend the Acts relating to marriages, by extending certain provisions thereof to persons professing with the Society of Friends called Quakers—E. & I. c. 18.....10
- to remove doubt as to the validity of certain marriages in extra-parochial places—E. c. 24.....12
- to amend the Act 17 & 18 Vict. c. 80, and 18 & 19 Vict. c. 29, relating to the registration of births, deaths, and marriages in Scotland—S. c. 85.
- to render valid certain marriages in the chapel of St. Mary in Rydal (Westmoreland)—E. c. 1.
- to make provision respecting the marriages of British subjects in the Ionian Islands—U. K. c. 86.
- to explain the Act 18 & 19 Vict. c. 43, for enabling infants, with the approbation of the Court of Chancery, to make binding settlements of their real or personal estate on marriage—E. & I. c. 83.....52
- MATTHOOTH COLLEGE**, to enable the trustees of, to make provision for certain necessary buildings and repairs—I. c. 104.
- MEASURES**. See **WEIGHTS AND MEASURES**.
- MEASURES FOR SALE OF GAS**. See **GAS**.
- MEDICAL ACTS**; to amend the Medical Acts 21 & 22 Vict. c. 90, and 22 Vict. c. 21—G. B. & I. c. 90.....2
- to amend the Medical Act 21 & 22 Vict. c. 90—G. B. & I. c. 66.....40
- METROPOLIS GAS SUPPLY**. See **GAS**.
- METROPOLITAN BUILDINGS**; to alter and amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122)—E. c. 52...40
- METROPOLITAN POLICE FORCE**; for the employment of the Metropolitan Police Force in her Majesty's yards, &c.—E. c. 135.
- MILITIA**; to amend the laws relating to the militia—G. B. & I. c. 94.
- to amend the laws relating to the ballots for the militia in England, and to suspend the making of lists and ballots for the militia of the United Kingdom—G. B. & I. c. 120.
- to defray the charge of the pay, clothing, and contingent and other expenses of the disembodied militia in Great Britain & Ireland; to grant allowances in certain cases to subaltern officers, adjutants, paymasters, &c.—G. B. & I. c. 133. 86
- MISERS**, for the regulation and inspection of—G. B. c. 151.
- MORTGAGES, &c.**; to make further provision concerning mortgages and other dispositions of property belonging to municipal corporations—E. & I. c. 16.....8
- to give to trustees, mortgagees, and others certain powers now commonly inserted in settlements, mortgages, and wills—E. & I. c. 145.....108
- to repeal a certain enactment in 21 & 22 Geo. 3. c. 16, (1.) for restraining the governor and company of the Bank of Ireland from lending money on mortgage—I. c. 31.
- MUNICIPAL CORPORATIONS**, to amend the provisions of the Act 3 & 4 Vict. c. 108, for the regulation of, with respect to the appointment of coroners in boroughs—I. c. 74.
- to make further provision concerning mortgages and other dispositions of property belonging to—E. & I. c. 16.....8
- MURKIN**; for punishing mutiny and desertion, and for the better payment of the army and their quarters—U. K. c. 9.
- for the regulation of her Majesty's royal marine forces while on shore—U. K. 10.
- NAVAL DISCIPLINE—NAVY**; to amend the laws relating to the government of the navy—U. K. c. 123.....74
- to authorise the commissioners of the treasury to further regulate the postage on redirected letters of commissioned and warrant officers, seamen, and soldiers whilst on actual service—U. K. c. 65.....39
- NUISANCES REMOVAL, &c.**; to amend the Acts 18 & 19 Vict. cc. 121 and 116 for the removal of nuisances and the prevention of diseases—E. c. 77.....48
- OATHS**; to amend the Act 21 & 22 Vict. c. 49, to provide for the relief of her Majesty's subjects professing the Jewish religion—G. B. & I. c. 63.....38
- OFFENCES WITHIN HER MAJESTY'S POSSESSIONS ABROAD**; to enable the legislatures of her Majesty's possessions abroad to make enactments similar to the enactment of the Act 9 Geo. 4. c. 31, & 8—U. K. c. 122.....74
- OXFORD UNIVERSITY**; to provide for the consideration of an ordinance which has been laid before Parliament in a report of the Oxford University Commissioners—E. c. 23.....11
- for removing doubts respecting the Craven scholarships in the University of Oxford, and for enabling the University to retain the custody of certain testamentary documents—E. c. 91.....57
- PACKET SERVICE**; to transfer to the Postmaster General securities entered into with the Commissioners of the Admiralty in relation to the packet service—U. K. c. 6.....2
- PARLIAMENTARY ELECTIONS**; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102)—G. B. & I. c. 99.
- PARTY EMBLEMS**; to amend the Act 13 & 14 Vict. c. 2, to restrain party processions—I. c. 141.
- PAWNBROKERS**; to amend the Act 39 & 40 Geo. 3. c. 99, for better regulating the business of—G. B. c. 21.....11
- PEACE PRESERVATION**; to continue and amend the Peace Preservation (Ireland) Act, 1856 (19 & 20 Vict. c. 36)—I. c. 138.
- PERTH PRISON**. See **PRISONS**.
- PETITIONS OF RIGHT**; to amend the law relating to, to simplify the proceedings, and to make provision for the costs thereof—E. c. 34.....22
- PHENIX PARK**. See **DUBLIN**.
- POISON**, to amend the law relating to the unlawful administration of—G. B. & I. c. 8.....2
- POLICE (DOCKYARD)**; for the employment of the Metropolitan Police Force in her Majesty's yards and military stations—E. c. 135.
- POLICE OF TOWNS**; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33), so as to enable towns and populous places in Scotland to avail themselves of its provisions for sanitary and other improvements, without at the same time adopting its provisions as regards the establishment and maintenance of a police force—S. c. 96
- POOR LAW BOARD**; to continue the Poor Law Board—E. c. 101.....62
- to continue the powers of the Poor Law Commissioners in Ireland—I. c. 148
- PORTSMOUTH**, for extinguishing certain rights of way through Colewort Barracks in the borough of—E. c. 49.
- POSSESSIONS ABROAD**; to enable the Legislatures of her Majesty's possessions abroad to make enactments similar to the enactment of the Act 9 Geo. 4. c. 31, & 8—U. K. c. 122...74
- POST OFFICE—POSTAGE**; to transfer to the Postmaster General securities entered into with the Commissioners of Admiralty in relation to the packet service—U. K. c. 6.....2
- to authorise the Commissioners of the Treasury to further regulate the postage on redirected letters of commissioned and warrant officers, seamen, and soldiers whilst on actual service—U. K. c. 65.....39
- PRISONERS FOR CONTEMPT**. See **CHANCERY, COURT OF**.
- PRISONS**; to provide for the management of the general prison at Perth, and for the administration of local prisons in Scotland—S. c. 105.
- PROBATE AND ADMINISTRATION (INDIA)**; to regulate probate and administration with respect to certain Indian Government securities; to repeal certain stamp duties; and to extend the operation of the Act 23 & 23 Vict. c. 39, to Indian Bonds—U. K. c. 5.....1
- PROCESSIONS, PARTY**. See **PARTY EMBLEMS**.
- PROCTORS**; to amend the laws relating to attorneys, solicitors, proctors, &c.—E. c. 127.
- PROPERTY, LAW OF**; to further amend the law property—E. & I. c. 38.....25
- PROPERTY, MALICIOUS INJURIES TO**; to amend the Act 7 & 8 Geo. 4. c. 30, relative to—E. c. 29.....20
- PROPERTY TAX**; for granting to her Majesty duties on profits

arising from property, professions, trades, and offices—G.B. & I. c. 14 4

PUBLIC IMPROVEMENTS; to enable a majority of two-thirds of the ratepayers of any parish or district, duly assembled, to rate their district in aid of public improvements for general benefit within their district—E. c. 30 20

QUAKERS MARRIAGES. See **FRIENDS, SOCIETY OF**.

QUALIFICATIONS FOR OFFICES, &c.; to indemnify such persons as have omitted to qualify themselves for offices and employments, and to extend the time limited for those purposes respectively—G.B. & I. c. 40 28

QUALIFICATIONS OF COUNCILLORS. See **ADMISSION OF BURGESSES**—S. c. 47

QUEEN'S BENCH; to amend the Act 6 & 7 Vict. c. 20, for abolishing certain offices on the Crown side of the Court of Queen's Bench, and for regulating the Crown office—E. c. 54 31

QUEEN'S PRISON; to amend the Act 5 & 6 Vict. c. 28, for regulating the Queen's Prison (removal of lunatic prisoners)—E. c. 60 35

RAILWAYS; for amending and making perpetual the Railways Act, Ireland, 1851 (14 & 15 Vict. c. 70)—I. c. 97.

— to make perpetual the Act 21 & 22 Vict. c. 75, to amend the law relating to cheap trains, and to restrain the exercise of certain powers by canal companies being also railway companies—G.B. & I. c. 41.

RATEABLE PROPERTY VALUATION; to enable the Commissioners of her Majesty's Treasury to defray one moiety of the expense of the annual revision of the valuation of rateable property in Ireland out of the consolidated fund—I. c. 4.

REFRESHMENT HOUSES. See **WINE LICENCES**.

REGISTRATION OF BIRTHS, &c.; to amend the Acts 17 & 18 Vict. c. 80, and 18 & 19 Vict. c. 29, relating to the registration of births, deaths, and marriages—S. c. 85.

REMOVAL OF NUISANCES, &c.; to amend the Acts 18 & 19 Vict. c. 121 and 116, for the removal of nuisances and the prevention of diseases—E. c. 77 43

RIFLE VOLUNTEER CORPS; for facilitating the acquisition by rifle volunteer corps of grounds for rifle practice—G.B. c. 140.

RIGHT, PETITIONS OF, to amend the law relating to, to simplify the proceedings, and to make provisions for the costs thereof—E. c. 34 22

ROMAN CATHOLIC CHARITIES. See **CHARITIES**.

SALE OF GAB. See **GAB**.

SALE OF SPIRITS. See **SPIRITS**.

SATISFACTION ON CROWN DEBTS, &c., to simplify and amend the practice as to the entry of—U.K. c. 115 72

SAVINGS BANKS, &c.; to make further provisions with respect to monies received from savings banks and friendly societies—G.B. & I. c. 137.

SCHOOLS; to amend the law relating to endowed schools—E. c. 11 3

— to amend the Industrial Schools Act, 1857 (20 & 21 Vict. c. 48)—E. c. 108 64

SEQUESTRATION; to amend certain provisions in the bankrupt law of Scotland—S. c. 33.

SETTLEMENTS, &c.; to give to trustees, mortgagees, and others certain powers now commonly inserted in settlements, mortgages, and wills—E. & I. c. 145.

— to explain the Act 18 & 19 Vict. c. 43, enabling infants, with the approbation of the Court of Chancery, to make binding settlements of their real or personal estate on marriage—E. & I. c. 83 52

SOLICITORS, &c.; to amend the laws relating to attorneys, solicitors, proctors, and certificated conveyancers—E. c. 127 40

SOUTH WALES, for the better management and control of the highways in—W. c. 68 40

SPIRITS; to reduce into one Act and to amend the excise regulations relating to the distilling, rectifying, and dealing in spirits—U.K. c. 114.

— to grant excise duties on British spirits and on spirits imported from the Channel Islands—U.K. c. 129.

— to repeal the exemption from licence duty of persons dealing in foreign wine and spirits in bond, &c.—G.B. & I. c. 113.

— further to amend the Act 18 & 19 Vict. c. 62 to amend the law for the better prevention of the sale of spirits by unlicensed persons, and for the suppression of illicit distillation—I. c. 38.

STAMP DUTIES; for granting to her Majesty certain duties of stamps—G.B. & I. c. 15 5

— for granting to her Majesty certain duties of stamps, and to amend the laws relating to the stamp duties—G.B. & I. c. 111 64

— to repeal certain stamp duties—U.K. c. 5 1

STOCK JOBBING; to repeal the Act 7 Geo. 2, c. 8, commonly called "Sir John Barnard's Act," and the Act 10 Geo. 2, c. 8—G.B. & I. c. 28 19

STOCK, UNCLAIMED; to make provision as to stock and dividends unclaimed in Ireland—I. c. 71.

SUPERANNUATION; to extend, in certain cases, the provisions of the Superannuation Act, 1859 (22 Vict. c. 26)—U.K. c. 89 54

SUPERIOR COURTS; for the further amendment of the process, practice, and mode of pleading in, and enlarging the jurisdiction of the superior courts of common law at Westminster—E. c. 126 87

SUPPLY OF GAS. See **GAS**.

TAXATION, LOCAL; to provide for an annual return of rates, taxes, tolls, and dues levied for local purposes—E. c. 51 30

TEMPORALITIES, CHURCH; further to amend certain Acts relating to the temporalities of the church in Ireland—I. c. 150.

TENANT AND LANDLORD, to consolidate and amend the law of I. c. 154.

TENISON'S CHARITY. See **CHARITY COMMISSION**.

TENURE AND IMPROVEMENT OF LAND, to amend the law relating to the—I. c. 153.

TITHES; to amend and further extend the Acts for the commutation of tithes in England and Wales—E. c. 93 57

— to continue appointments under the Act 14 & 15 Vict. c. 53, for consolidating the copyhold and inclosure commissions, and for completing proceedings under the Tithes Commutation Acts—G.B. & I. c. 81 53

TITLES TO LAND. See **LAND**.

TOWNS IMPROVEMENT. See **IMPROVEMENT OF TOWNS**.

TRAMWAYS; to facilitate internal communication in Ireland by means of—I. c. 152.

TRUSTEES, &c. See **MORTGAGES**.

TURNPIKE ROADS, &c.; to continue certain turnpike Acts, and to extend the provisions of the Act 14 & 15 Vict. c. 308—G.B. c. 73.

— to confirm certain provisional orders made under the Act 14 & 15 Vict. c. 38, to facilitate the arrangements for the relief of turnpike trusts—E. c. 70.

— to continue the Act 4 & 5 Vict. c. 59, for authorizing the application of highway rates to turnpike roads—E. c. 67.

— for the better management and control of the highways in South Wales—W. c. 68 40

UNCLAIMED DIVIDENDS, &c., to make provision as to, in Ireland—I. c. 71.

UNION OF BENEFICES; to make better provision for the union of contiguous benefices in cities, towns, and boroughs—E. c. 142 103

UNIVERSITIES AND COLLEGE ESTATES; to extend the provisions of the Universities and College Estates Act, 1856 (21 & 22 Vict. c. 44), and of the copyhold Acts, and of the Acts 3 & 4 Vict. c. 115, and 17 & 18 Vict. c. 84, so far as the same relate to universities and colleges—E. c. 59 33

UNIVERSITY OF OXFORD; to provide for the consideration of an ordinance which has been laid before Parliament in a report of the Oxford University commissioners—E. c. 23 11

— for removing doubts respecting the Craven scholarships in the University of Oxford, and for enabling the University to retain the custody of certain testamentary documents—E. c. 91 37

VALUATION OF RATEABLE PROPERTY. See **RATEABLE PROPERTY**.

VOLUNTEER CORPS; for facilitating the acquisition by rifle volunteer corps of grounds for rifle practice—G.B. c. 140. 100

— to prevent the members of benefit societies from forfeiting their interest therein by being enrolled in—G.B. c. 13 4

WAR DEPARTMENT. See **LANDS CLAUSES CONSOLIDATION ACT**.

WAREHOUSING OF GOODS. See **CUSTOMS**.

WEIGHTS AND MEASURES, to amend the law relating to—I. c. 119.

WEST INDIA RELIEF; to authorize an extension of the time

